

PROPOSED AGENDA

COUNCIL MEETING

January 4, 2011

7:00 PM

CALL TO ORDER – Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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COUNCIL MINUTES
REGULAR WORKSHOP MEETING

November 30, 2010

A regular workshop meeting of the City Council of the City of Jacksonville was held Tuesday, November 30, 2010 beginning at 5:00 PM in Council Chambers of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Mayor Pro-Tem Michael Lazzara and Councilman Jerome Willingham were unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager; Adah Roberts, Finance Director; Glenn Hargett, Communications and Community Affairs Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Warden, seconded by Council Member Coleman, and unanimously approved to adopt the agenda as presented.

MULTI-FAMILY UNIT DEVELOPMENT REGULATIONS

Richard Woodruff, City Manager, stated the potential regulation changes to multi-family development were based upon input received from the multi-family development tour Council had participated in several months earlier. Using the PowerPoint presentation attached to the official minutes as Exhibit A, multi-family housing standards such as density, setbacks, landscaping, fencing, open space, utility, and satellite dish requirements were outlined. Mr. Woodruff asked Council for feedback on the proposals to let staff know if they were headed in the right direction in creating regulations.

Discussion was held on the issues that the proposed regulations were intended to correct. Mayor Phillips pointed out that not all of the developments reviewed on the tour reflected well on the City. He said that the idea was not to create difficult standards for developers to adhere to, but to have some standards that would address the aesthetics of the development, especially

those that abutted or adjoined major roadways and arterials.

Councilman Bittner expressed that he felt more specifics were needed in terms of stating the objectives that they wished to accomplish. Mr. Woodruff responded that the overall objective was a statement that said that Jacksonville cared about the City's appearance and that the developments being built reflected positively for the community in terms of aesthetics.

Councilman Warden pointed out that the City had minimum standards for building and site issues, and he supported implementation of at least some minimum standards for aesthetics. He said he supported the regulations presented, perhaps with a few tweaks. He asked if the regulations presented would mesh with the proposed Unified Development Ordinance (UDO) regulations. Mr. Woodruff said yes, adding that the UDO addressed aesthetics in more detail and he would forward Council this component of the UDO for comparison.

Mr. Woodruff stated that if Council supported the proposals, staff would work on putting the regulations in Code format and bring back to Council at a later date.

Councilman Bittner suggested that considering today's technology, a virtual tour / presentation that allowed Council to visually see how the proposed regulations or other changes would make a difference would be helpful to him.

RECESS/RECONVENE

Mayor Phillips recessed the meeting at 5:56 PM for a short break.

Mayor Phillips reconvened the meeting at 6:11 PM.

STORMWATER PONDS

Mr. Woodruff stated that Council had asked staff to prepare options to the City's current fencing regulation for stormwater ponds. State standards enforced by NC Department of Environment and Natural Resources (NCDENR) had to be followed, but those standards did not include the additional City standard of fencing. Using the PowerPoint presentation attached as Exhibit A, Mr. Woodruff discussed the two different options being recommended - Aesthetic Design (non-fenced) and Utility Design (fenced). Following a brief discussion, it was the consensus of Council to approve the recommended fencing options.

TRANSIT OPERATIONS

Using the PowerPoint presentation herein attached, Ron Massey, Assistant City Manager, provided Council with an update on Transit Operations. The current contract with their consultant, MV Transportation, was due to expire at the end of January, 2011. Discussion had

been held on the options to issue an RFP for an Operations Contractor or consider operating the system in-house with City employees. To bring the operations in-house, the City would need 3 full time employees and 11 part time employees. Staff recommended a short term extension of the contract with MV Transportation to June 30, 2011, and to issue an RFP at the end of December, 2010. This would allow sufficient time for staff to analyze the RFP results with the new contract to begin July 1, 2011 for FY 11/12.

Mayor Phillips asked what type of contract would be looked at for a new provider. Mr. Massey stated it would be the same services that MV Transportation provided with a base 2 year contract with 3 option years.

Mayor Phillips asked if Council would receive an analysis to compare in-house services with the cost of hiring an outside provider. Mr. Massey stated that an analysis had been done, and not counting the contractor's overhead, it would cost \$130,000 more for in-house. Mr. Woodruff added that when the RFP results were brought back to Council, staff would also provide a detailed analysis showing handling the service in-house versus hiring a contractor.

Councilman Bittner suggested staff consider submitting an RFP under the same timelines, so staff would not have the benefit of the contractors' information. Mr. Woodruff agreed and stated that staff would submit a response to the RFP before making comparisons.

It was the consensus of Council to approve the short term extension with MV Transportation and to approve issuing a RFP at the end of December.

Councilman Thomas asked if there had been fare growth. Mr. Massey stated the express routes on the base helped supplement the rest of the system. The City also carried a lot of folks with disabilities. With the ridership of 76,000 last year, 4,632 persons with disabilities were carried. This was one of the categories of people that benefited by the service.

Mr. Woodruff stated that there have been studies in communities like ours showing ridership was not tied to the fare box. One of the concepts Council would be asked to review next year would be to sponsor a period of free ridership to see if there would be any difference. It might prove more beneficial to provide the buses as a public service.

HELICOPTER LANDINGS

Using the PowerPoint presentation attached, Mr. Woodruff stated that the question before Council was whether to regulate helicopter landings inside the corporate limits. The current zoning code was a permissive code where only listed uses were allowed and were regulated

under police powers. Any regulations Council decided to impose would only apply to private or commercial helicopters, and not military helicopters. Potential approaches to the issue could include either a special use permit, administrative permit, or no permit.

From a police perspective, Mike Yaniero, Police Chief, said that when helicopters landed in a commercial area, near a major thoroughfare, people had a tendency to slow down or stop to watch, creating traffic issues. There was also the potential of blowing debris hitting cars in parking lots requiring the police to make reports. Police had the ability to file a complaint with the FAA; however, it took some time for the FAA to process complaints before action was taken.

Councilman Thomas asked if there had been any complaints reportable to the FAA. Chief Yaniero stated they had received a few calls, but officers had determined those helicopter landings had not been unsafe. No calls were received related to any property damages.

From a fire perspective, Rick McIntyre, Fire Chief, stated that the Fire Department assisted in un-established landing zones for about a dozen or so helicopter landings per year. There was only one established landing zone in Jacksonville at Onslow Memorial Hospital. Un-established landing zones were set up primarily for medical helicopters not landing at the hospital and for military helicopters coming in for display at events. Protocol was followed by the fire department in establishing a safe area for landing. They made sure the area was of appropriate size, free of any debris that could be blown, and ensured that a fire unit was standing by. Radio contact was established with the pilot so that ground conditions were known.

Following the review, Mr. Woodruff stated that commercial helicopters currently were not allowed to operate their business within City limits, but adding it to the UDO would allow it through a special use permit. Following discussion, it was the consensus of Council that they did not want to add the use to the UDO.

Mr. Woodruff asked if an administrative permit should be established for non-commercial landings, not including the landings at the hospital or the ones by medical helicopters at an accident site.

Mayor Phillips stated there should be an obligation to the general public where landings were conducted safely.

Councilman Thomas agreed to the need for safety to protect the public, but did not feel the need for permitting. He said that the greatest risk was to the person operating the helicopter. He had a particular problem with this issue because he was told it originated from citizen

complaints, but he was later told that there were only comments to field staff and not registered complaints.

Mayor Phillips asked if there had been citizen complaints. Mr. Woodruff noted that in the six months he had been with the City, he had not received a citizen complaint about helicopters.

Councilman Warden stated there didn't seem to be an issue and he didn't feel it was worth the effort to regulate 20 landings a year.

Mayor Phillips stated if it became a problem, then the issue could be brought up again. Council indicated their agreement.

DRAFT CAMA PLAN FLU MAP PRESENTATION

Using the PowerPoint presentation attached, Mary Sertell, Senior Planner, provided an update to Council on the Coastal Area Management Act (CAMA) Plan outlining what it was, why it was needed, how it worked and the process. There were two major portions to the Plan – the plan which provided demographic data, economic assessments, projections, and growth policies, and the future land use map. The CAMA Plan adopted in 1999 did not have detailed categories, but the State now required a more detailed policy for future growth. She felt that by January or February 2011, staff would bring the updated CAMA Plan to Council for review and consideration of approval. If approved by Council, the Plan would then be submitted to the Coastal Resources Commission for their consideration.

Mr. Woodruff stated that in the near future staff would be meeting with the Coastal Resources Commission to understand every part of what the law required the City to do and what was flexible under the Plan. Mr. Carter agreed, adding that he would be looking closely at the process for future plan amendments as well.

FIRE STATION #2

It was the consensus of Council to defer discussion on Fire Station #2 until a later workshop date when all Council members could be in attendance.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 7:11 PM.

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

December 7, 2010

A Special Workshop Meeting of the City Council of the City of Jacksonville was held Tuesday, December 7, 2010 beginning at 6:15 PM in the Council Chambers of City Hall.

Present were: Mayor Sammy Phillips, presiding; and Council Members: Jerry Bittner, Randy Thomas, Bob Warden and Jerome Willingham. Council Member Fannie K. Coleman arrived at 6:36 PM. Mayor Pro-Tem Lazzara was unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Adah Roberts, Finance Director; Glenn Hargett, Communications and Community Affairs Director; Grant Sparks, Public Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 6:15 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Thomas, seconded by Councilman Willingham, and unanimously approved to adopt the agenda as presented.

LAND APPLICATION SITE

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Grant Sparks, Public Services Director, provided a background on the land application site and its history. Tree mortality was first observed in the summer of 2007 when rainfall levels were low. Outside assistance was sought in 2008 through Malcolm Pirnie and Nutter & Associates. It was determined that the soil and effluent had a high pH and it was recommended to decrease the pH levels. Further investigation of the trees and foliage took place in 2009 and recommendations were made for forestry management actions and again decreasing the pH levels. In 2010, a third consultant, Stantec, was brought in to review the situation of tree mortality with similar results being obtained.

Richard Woodruff, City Manager, commented that Dr. Johnson of Stantec concluded that pH was probably the problem, but recommended a multi-discipline team to review the situation.

Up to this point, the City had been only talking to one specialist at a time and they needed all the specialists to be in same room to bounce ideas off of each other as to what the problem may be.

Councilman Bittner asked if nutrient deficiency had been ruled out, because when the land application site was built the land was nutrient rich and heavy tree growth was expected. Mr. Sparks stated that during the initial construction, there was more removal of the topsoil than expected and it was not put back in the same location or at the same depth, depleting some of the nutrients.

Mayor Phillips asked if there were still problems with ponding. Mr. Sparks stated that it did happen, but it was watched carefully and if problems were observed, the zone was shut down until the water was absorbed.

Councilman Warden stated that when you have marginal soils for drainage to begin with, it was possible the oxygen was being depleted in the soil by the extra water. He asked if anyone had contacted the land treatment site in Shallotte, which was also a coastal area, to see if they were experiencing any problems. Mr. Sparks stated that only the experts had been contacted, but staff would check with them.

Mr. Woodruff stressed that the tree mortality issue did not affect the City's ability to successfully dispose of effluent. Tree mortality was a problem that needed to be taken care of, but there was not a problem in treating the waste water.

Mr. Woodruff addressed a side issue that dealt with the land application site which was the hunting leases on the property. There were five separate leases and the City had received at least eight recent complaints. There was a meeting with the hunting clubs and the clubs were asked to come back to the next meeting with proposed solutions to the issues.

In response to a question from Councilman Thomas, Ray Holder, Plant Superintendent, stated that sulfuric acid was added to the injection system about 30 minutes before it was sprayed so it wouldn't stay in the lagoon. One of the problems with the well system was the high pH in the Black Creek aquifer. This high pH made the wastewater coming out of the storage lagoon resistant to change. A large amount of sulfuric acid had to be added to bring the pH down below 7, but the algae from natural photosynthesis in the pond raised the pH level back up to about 9 depending on the warm weather. Mr. Holder stated that we might have to go to another tree type that could handle a higher pH.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilman Willingham, and unanimously adopted to adjourn the meeting at 6:48 PM.

COUNCIL MINUTES

REGULAR MEETING

December 7, 2010

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, December 7, 2010 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips, presiding; and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Mayor Pro-Tem Lazzara was unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Adah Roberts, Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Earl Bunting, ITS Director; Reggie Goodson, Planning and Development Services Director; Bill Ratliff, Human Resources Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Councilman Warden led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously approved to adopt the agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to approve the minutes of a Special Workshop Meeting held November 16, 2010 as presented and the minutes of the Regular Meeting held November 16, 2010 as presented.

PRESENTATIONS

RIVER OF LIFE – PRESENTATION OF DONATION TO CITY

Pastor Chris Phillips and members of the River of Life Church presented the City with an \$8,000 donation to assist the Police Department in providing safety equipment for its Officers and toward community safety. Mayor Phillips thanked the Pastor and members of the congregation for their continued generosity and presented the River of Life Church with a Certificate of Recognition for their dedication and support to the safety of Jacksonville and its citizens. Police Chief Yaniero stated that the donation this year would go towards the purchase of protective equipment for the crossing guards to be seen better especially on foggy mornings and ballistic shields for full protection of the officers to use in dangerous situations.

MAYOR'S COMMITTEE FOR PERSONS WITH DISABILITIES AWARD

Mayor Phillips read a citation recognizing Ms. Ruth White to receive the Mayor's Committee for Persons with Disabilities recognition award in the category of Individual Distinguished Service. Council Member Fannie K. Coleman, Council Liaison to the Mayor's Committee for Persons with Disabilities, assisted in the presentation. Ms. Ruth White was present to accept the award.

PROCLAMATION RECOGNIZING KEN HAGAN – NORTH CAROLINA RECREATION & PARKS ASSOCIATION HALL OF FAME RECIPIENT

Mayor Phillips read a Proclamation naming Tuesday, December 7, 2010 as Ken Hagan Day in the City of Jacksonville. Following the reading of the Proclamation, Mr. Hagan accepted the Proclamation and was also given a framed picture of Fenway Park. Mr. Hagan thanked the Mayor, Council and those in the Recreation Department for their support.

REPORT TO COUNCIL – WATER AND SEWER ADVISORY BOARD

Ms. Jill Ayuso, member of the Water and Sewer Advisory Board, provided a brief report on the annual activities, accomplishments, and goals of the Board. Councilman Randy Thomas is the Council Liaison to the Water and Sewer Advisory Board.

PUBLIC HEARINGS

GROWTH MANAGEMENT PLAN LAND USE MAP AMENDMENT – STEVENSON
TOYOTA, US 17/NEW BERN HIGHWAY

Ms. Mary Sertell, Senior Planner, stated that a request had been submitted to amend the Growth Management Plan by changing the Future Land Use (FLU) designation of a portion of one parcel from Moderate Density Residential (MDR) to Regional Commercial.

Mayor Phillips recessed the regular meeting at 7:26 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips recessed the Public Hearing at 7:27 PM and reconvened the regular meeting.

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously approved to amend the Land Use Map from Moderate Density Residential (MDR) to Regional Commercial (RC).

Resolution 2010-60, Bk. 6, Pg. 371

REZONING FROM INDUSTRIAL (IND) & RESIDENTIAL MULTI-FAMILY (RM-5)
TO BUSINESS (B-1) – STEVENSON TOYOTA

Ms. Sertell stated that Stevenson Toyota had submitted a request to rezone 16.72 acres from Industrial (IND) and Residential Multi-family 5 (RM-5) to Business 1 (B-1). This site contained one parcel totaling 16.72 acres that was within the City's Extraterritorial Jurisdiction (ETJ) and was located on the east side of US 17/New Bern Highway.

Mayor Phillips recessed the regular meeting at 7:30 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:31 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas and seconded by Council Member Coleman to approve the rezoning request based on the Findings of Fact A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Councilman Bittner asked if there had been any interest in rezoning the property to the south making it a contiguous parcel. Ms. Sertell stated there had not been any submitted applications to that effect.

Richard Woodruff, City Manager, commented that a program was going to be presented for Council's approval where a key staff member would be given the authority to hand walk

complex projects like this through the various departments in City Hall. This program had been an outgrowth from meetings with a citizen group that staff had been working with from the industry.

A vote was taken on the motion and it was unanimously approved.

Ordinance 2010-63, Bk. 10, Pg. 272

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

NEW BUSINESS

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – DELTA INVESTORS – WESTERN BLVD. – 10.88-ACRE TRACT

On behalf of S. Douglas Padgett, Jr., Parker and Associates had submitted a voluntary annexation petition for a 10.88-acre tract that was contiguous to the current City limit boundaries. The site was located along Western Blvd. across from Commons Drive North. This annexation included the right-of-way portion of property dedicated to NCDOT for the future Western Parkway. A letter submitted with the petition indicated possible future development of the site as a commercial subdivision, which included a 110 room hotel and 3 possible restaurants. However, no firm plans had been submitted to the City at this time. The first step in the voluntary annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2010-61, Bk. 6, Pg. 371

FEE SCHEDULE AMENDMENT – FIRE INSPECTION FEES

A change to the City Fee Schedule was proposed that eliminated the Fee for Fire Re-inspections if noted fire code violations were corrected prior to the time of re-inspection. This reinforced the purpose of the Fire Inspection Program, to ensure that commercial properties were maintained in a fire-safe manner.

Council approved the fee schedule amendment as presented.

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE INSTALLMENT PURCHASE AGREEMENT

The City solicited bids to borrow \$2,134,000 to finance various vehicles and equipment already approved in the budget. On November 15, 2010, the City received 6 proposals from

various banks for financing \$534,000 for a 36 month term and 6 proposals from various banks for financing \$1,600,000 for a 59 month term. The overall best proposal was from Banc of America Public Capital Corp (Bank of America, N.A.).

Council approved the proposed Resolution accepting the proposal from Bank of America for the financing of the vehicles and equipment.

Resolution 2010-62, Bk. 6, 372

**RESOLUTION AUTHORIZING POLICE CHIEF OR DEPUTY POLICE CHIEF TO
MAKE RECOMMENDATIONS TO THE NC ABC COMMISSION ON
ABC PERMIT**

The Police Chief was currently designated as the official to make recommendations to the NC ABC Commission on ABC permit applications in the City. This Resolution allows for the Deputy Chief to provide this service in the absence of the Chief.

Council adopted the proposed Resolution designating the Deputy Police Chief to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications in the absence of the Chief.

Resolution 2010-63, Bk. 6, Pg. 373

**ACCEPTANCE OF PUBLIC IMPROVEMENTS: WEST FAIRWAY ROAD AND
FOXHORN ROAD DEDICATION AND LOT 2, PHASE I ONLY**

The Engineering Division had personally observed the work performed, approved the construction and filed inspection reports recommending the acceptance of the improvements in West Fairway Road and Foxhorn Road Dedication and Lot 2, Phase I only. The improvements included: water, sewer, roads, sidewalks and storm drainage (with the exception of any and all water quality treatment measures that would be retained and maintained by the property owners). If approved, these improvements would be covered by a warranty that would expire 18 months from this date.

Council approved the acceptance of public improvements to West Fairway Road and Foxhorn Road Dedication and Lot 2, Phase I only for City maintenance.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Kensington Park of Williamsburg Plantation. It was also

recommended that Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

ACCEPTANCE OF EARLY TERMINATION OF OPTION TO PURCHASE – RAY
DEVELOPMENT AND CONSULTING LLC

On March 3, 2010, the City entered into an agreement granting Ray Development and Consulting LLC an option to purchase certain acreage in the Jacksonville Business Park during four phases of development over specific prescheduled time periods. Phase I of the option was to terminate one year from date of execution (March 3, 2011). The agreement included a provision that failure to exercise Phase I or any option thereafter resulted in the Option to Purchase agreement being terminated in its entirety. Such failure would result in the forfeiture to the City of the \$5,000 earnest money/deposit as well as all due diligence materials to date. On November 30, 2010, Ray Development and Consulting submitted an official letter of early withdrawal and termination of the Option to Purchase agreement.

Council accepted the official Letter of Withdrawal and Termination of the Option to Purchase Agreement.

ENGINEERING AND SITE WORK FOR JACKSONVILLE BUSINESS PARK

To enhance the marketability of the Jacksonville Business Park, soil tests and wetlands assessments needed to be completed by an engineering firm. Pittman Soil Consulting would be hired to conduct this work and assist the City in properly preparing the site. Funding was needed to hire Pittman Soil Consulting and pay for equipment rental and materials for the necessary site work which would be performed by City Forces. Council approval was needed for the budget amendment and to move forward with the work.

Council approved the budget amendment for \$45,000 for the work at the Business Park.
Ordinance 2010-64, Bk. 10, Pg. 274

AUTHORIZATION TO APPLY FOR THE AMERICAN RIVERS GRANT

For years the culvert placed under the extension of Wardola Street had been an impediment to the fish nursery area of Wilson Bay. State agents had encouraged the City to seek funding to replace the culvert with a more appropriately sized unit.

Council authorized staff to apply for the grant and authorized acceptance if no City match was required; however, if a match was required, staff was to return to the Council for acceptance or rejection of the grant.

NON-CONSENT ITEMS

AUDITOR'S REPORT ON THE CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2010

Ms. Adah Roberts, Finance Director, introduced Mr. James Sargeant from McGladrey & Pullen, LLP, who presented a brief overview of the Auditor's Report for the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010. Council Members received copies of the CAFR with the November 18, 2010 Management Report.

Mr. Sargeant stated that the City received an unqualified opinion which was the highest level of assurance that an auditor could provide to any entity.

Mr. Woodruff asked Mr. Sargeant if any member of the City staff tried to influence any of his decisions, accounting, or applications of the standard practices. He answered no. It was his company's policy that if anything of that nature had occurred, he would have made it known as soon as it occurred and not at a later date.

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously approved to accept the Comprehensive Annual Financial Report for FY 2010 as presented.

AUTHORIZATION OF FINAL APPLICATION AND ACCEPTANCE OF PROJECT SAFE NEIGHBORHOOD GRANT FUNDS

Police Chief Yaniero stated that Project Safe Neighborhood was a designation the City received in 2005 and it allowed the City to use Federal resources to reduce gang and gun violence within City limits. Project Safe Neighborhoods also had grant funds available to be used in a preventive way. The program created was actually a partnership between the Police Department and Media Service.

The Police Department requested authorization to submit the final application and accept the Project Safe Neighborhood Grant award of \$21,528 which had no City match. These funds would be used to create an educational media campaign targeting youth. It would be led by youth in the community in order to prevent gun and gang violence. This project would be developed utilizing the members of the Jacksonville Youth Council, as well as students from the

various middle and high schools, to create public service announcements and social media connections.

A motion was made by Councilman Warden, seconded by Councilman Bittner, and unanimously approved to authorize the Police Department to accept the grant and approve the budget amendment.

Ordinance 2010-65, Bk. 10, Pg. 275

APPOINTMENT – RECREATION AND PARKS ADVISORY COMMISSION

In compliance with City Code Section 2-149, the appointment of two members of the Recreation and Parks Advisory Commission had expired due to continued unexplained absences from regularly scheduled meetings. There were three (3) Talent Bank Applications on file in the City Clerk's Office. These applicants had been contacted and wished to serve.

Councilman Jerome Willingham, Council Liaison to the Recreation and Parks Advisory Commission, nominated Jerome Smith for appointment to an existing three year term expiring June 30, 2011, and Lori Ready-James to an existing three year term expiring June 30, 2013.

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to close nominations and to appoint the nominees by acclamation.

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, asked Council for additional time to address the Land Application Site; however the time was not extended. He expressed considerable concern with the tree mortality issue presented at the earlier workshop and that these issues, which began in 2007, were just now coming to light. He also asked if an operator or knowledgeable staff member could accompany him on a tour of the site. Mr. Woodruff stated that could be arranged.

REPORTS

NATIONAL LEAGUE OF CITIES

Councilman Willingham gave a brief explanation of the National League of Cities and the many issues he had an opportunity to review at the conference he recently attended. He suggested that during a workshop, Council review the Resolutions adopted at the business meeting so that Council knew what had been proposed. These resolutions were a way that municipalities lobbied the Federal government. Mayor Phillips thanked Councilman Willingham for his attendance as it was very important that the City stay involved since it gave us strength in numbers.

ONWASA MEETING

Councilman Bittner stated that he would be representing Council at the ONWASA Meeting on Thursday, December 9, 2010 and that the engineering work was proceeding for the Piney Green interceptor. The City Attorney and Manager had been meeting with staff in terms of trying to effect the final agreement for the use of that line.

FAMILY FUN DAY

Council Member Coleman stated that she attended the Family Fun Day that was held on Saturday, December 4, 2010 at the Commons and there was a tremendous turn out. While she was there, she had a chance to see the new gym floor that was installed.

ONSLOW MEMORIAL AUXILIARY TREE OF HOPE LIGHTING

Councilman Thomas stated that he had the opportunity to stand in for Mayor Phillips at the Onslow Memorial Auxiliary Tree of Hope Lighting. It was a memorable event. He also wished everyone a Merry Christmas and safe holiday.

BEAUTIFICATION AND APPEARANCE BREAKFAST

Councilman Warden reminded Council about the invitation they received to attend the Beautification and Appearance Breakfast on Wednesday, December 8, 2010 at 7:30 AM at the Parks Maintenance Building. This breakfast served as a thank you to the Sanitation workers from the Beautification and Appearance Commission.

CITY CHRISTMAS TREE LIGHTING

Councilman Warden stated that Mayor Phillips, Mr. Massey, Mr. Woodruff and he had participated in the City Christmas Tree Lighting Ceremony, sponsored by the Beautification and Appearance Commission, and everything went well. Mayor Phillips stated there was a good turn out for the tree lighting. He also stated a very good job was done with the new flooring.

SENIOR HOLIDAY SOCIAL

Mr. Woodruff reminded Council that the Senior Holiday Social would be held on Saturday, December 11, 2010 at 11:00 AM at Northside High School.

COUNCIL WORKSHOP

Mr. Woodruff stated that there would be not be a Council Workshop next week and this was the last scheduled meeting until January 2011. He wished everyone a Merry Christmas.

PARKS AND RECREATION

Mr. Woodruff commended the Parks and Recreation staff for painting the entire Commons building on the inside, which saved the City tens of thousands of dollars. He also reported that the floor was installed at Jack Amyette and additional improvements would be finished in the next few weeks with the use of contractors and City staff.

HOLIDAY SCHEDULE FOR CITY OFFICES

Mr. Woodruff reported that City offices would be closed on Friday, December 24 and Monday, December 27, 2010 for the Christmas holiday. City offices would also be closed on Friday, December 31, 2010 for the New Year's holiday.

FREEDOM FOUNTAIN

Mr. Woodruff stated that with the assistance of City staff the initial concepts for the Freedom Fountain were worked on, and Council would be invited in the next several days to stop by City Hall to view the concepts and give their input.

PUBLIC SAFETY COMPLEX UPDATE

Mr. Woodruff stated that Mr. Huberman would be available on Thursday, December 16, 2010 for drop-in meetings with Council to view the latest renditions of the Public Safety Complex which addressed the issue of a flat roof, among other issues he was asked to address.

CLOSED SESSION

A motion was made by Councilman Bittner, seconded by Councilman Willingham and unanimously approved to recess the Regular Meeting at 8:19 PM in order to convene a Closed Session for the purpose of discussing property acquisition (Georgetown Property, Marine Blvd./Old Bridge St.) pursuant to General Statute 143-318.11.

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 9:13 PM and announced that no reportable action had been taken in closed session.

ADJOURNMENT

A motion was made by Councilman Willingham, seconded by Councilman Bittner, and unanimously adopted to adjourn the meeting at 9:14 PM.



City Council Presentation

Presentation Item: A Date: 1/4/2011
--

Subject: Report to Council – Jacksonville Beautification and Appearance Commission

Department: Jacksonville Recreation & Parks Department

Prepared by: Michael Liquori, Park Superintendent

Presentation Description

Alfred Keyes, Chairperson of the Jacksonville Beautification and Appearance Commission will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Commission.

Council Member Robert Warden is the Council Liaison to the Commission.

Action

Recognize Chairperson Alfred Keyes to present the Report.

Attachments:

None



Presentation Information

Presentation Item: A

Report to Council
Jacksonville Beautification and Appearance Commission

Mission

Our mission is to enhance the appearance of the City through landscaping, tree planting, banners and decorations throughout and within our community.

Accomplishments

- Arbor Day
- Adopt-A-Highway
- Tree Lighting Ceremony (Held first Friday in December)
- Tree Board Meeting
- Yard and Business of the Month Awards
- Appreciation Breakfast for Recreation and Parks Department, Sanitation, Streets, and Facilities Maintenance
- National Night Out participation- Coloring Contest-Grab Bags
- Memorial Tree Program
- Arbor Day- 5 trees donated last year
- Tree City USA – 30 years, just applied for our 31st year

Goals

- Promote community programs that help sponsor the Clean & Green Campaign such as Community Gardens.
- Design new "Welcome to Jacksonville" signs for the gateways throughout the City. Also, promote signage of civic/church organizations at the gateways throughout the City.



Request for City Council Action

Agenda Item:	1
Date:	1/4/2011

Subject: Public Hearing (*Legislative*) – Zoning Text Amendment- Flight Path Overlay District

Department: Development Service

Presented by: Abigail Barman, Planner

Presentation: Yes

Issue Statement

To ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River, the Base has requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). If approved, the overlay district would be added to the Zoning Ordinance and would identify specific restrictions on heights, uses and certain activities within the district.

The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

If adopted, a subsequent map amendment (rezoning) will be brought forward for consideration and approval. Enforcement of this FPOD will not occur until an actual overlay district map amendment is adopted at subsequent meetings/hearings.

Financial Impact

None.

Action Needed

Conduct Public Hearing

Consideration of the Zoning Text Amendment.

Recommendation

Staff and Planning Board recommend City Council move to approve the zoning text amendment found in Attachment A

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Zoning Text Amendment Ordinance
- B Draft Planning Board Minutes, December 13, 2010
- C Request letter from Marine Corps Base Camp Lejeune Marine Corps Air Station New River to adopt FPOD
- D Map of proposed FPOD



Staff Report

Agenda Item:	1
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Public Hearing (*Legislative*) – Zoning Test Amendment- Flight Path Overlay District

Introduction

To ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River, the Base has requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). If approved, the overlay district would be added to the Zoning Ordinance and would identify specific restrictions on heights, uses and certain activities within the district.

The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

If adopted, a subsequent map amendment (rezoning) will be brought forward for consideration and approval. Enforcement of this FPOD will not occur until an actual overlay district map amendment is adopted at subsequent meetings/hearings.

Procedural History

- In 2002, Onslow County, area municipalities, and the Base completed the Joint Land Use Study (JLUS).
- In 2004, the Board of Commissioners selected a number of the Study's recommendations to implement.
- In 2005, JLUS and Onslow County Planning staff developed specific measures to implement selected recommendations.
- On September 18, 2006, Onslow County adopted the FPOD.
- On August 9, 2010, American Tower Corporation & Sue Tuton submitted a rezoning request and development proposal within the now proposed FPOD.
- In October 2010 the Base requested that the City of Jacksonville adopt the FPOD.
- On December 13, 2010 Planning Board considered providing a recommended approval on this request to amend the Jacksonville Zoning Ordinance.
- On January 4, 2011 City Council will conduct a public hearing to consider a request to amend the Jacksonville Zoning Ordinance.

Stakeholders

- The Base - Camp Lejeune and New River Air Station operate aircraft as part of their normal activities. Developments on the ground can affect the effectiveness and safety of those operations.
- Planning Staff – contends additional regulations are needed to mitigate potential conflict between development on the ground and flight paths overhead.
- Citizens – Regulations to ensure the health, safety and welfare of the citizens of Jacksonville and surrounding area are necessary.
- Property owners within the proposed FPOD.

Planning Assessment

The need for this text amendment was demonstrated by conflicts between a proposed telecommunication tower and Camp Lejeune's and New River Air Station's flight path. Camp Lejeune and New River Air Station expressed concern that the proposed tower's height exceeds a safe height within their flight path. Through the discussion of this issue, the Base expressed an interest for the City to adopt a Flight Path Overlay District (FPOD) which was previously adopted by Onslow County on September 18, 2006. Onslow County adopted the FPOD as part of the recommendations from the Onslow County Joint Land Use Study (JLUS), which was commissioned by the County, area municipalities, and the Base. The proposed text amendment allows for the creation of an overlay zoning district which provides regulations that protect air operations within several types of flight path corridors approaching landing areas within the Base (including the New River Air Station's runways and a number of helicopter landing areas within the Base's various training areas).

Amending the Zoning Ordinance's text will enable the City to establish a new Flight Path Overlay District that would apply to lands beneath designated flight path corridors into Camp Lejeune and the New River Air Station. The FPOD will add regulations in addition to those described in properties' respective zoning districts.

The proposed FPOD district will:

- Require a special use permit for sanitary landfills (not currently allowed within the City's planning jurisdiction), certain uses that potentially involve high concentrations of people and/or activities particularly sensitive to noise, certain uses that potentially involve airborne emissions of dust, and certain uses that potentially involve use and/or storage of significant amounts of hazardous materials;
- Prohibit uses, development, or activities that produce airborne emissions or light emissions that impair pilot visibility or electronic emissions that interfere with navigation signals or radio communications;
- Limit the height of any structure to 100 feet

Options

Approval of the zoning text amendment found in Attachment A. **(Recommended)**

- Pros: The text amendment will allow the Base to safely utilize air space for daily operations while protecting underlying developments from conflicts with flight patterns.
- Cons: Some restrictions would be placed on developments in the FPOD, including height and use limits.

Recommend denial of the zoning text amendment found in Attachment A.

- Pros: Will not restrict development within the FPOD district beyond what currently exists.
- Cons: Developments may be constructed in a manner that creates an unsafe environment due to conflicts with flight patterns.

Defer action on the zoning text amendment found in Attachments A.

- Pros: Would allow staff time to acquire additional background information as requested by the Planning Board.
- Cons: None

Public Hearing Assessment –Zoning Text Amendment

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.” Notifications for this hearing will follow all applicable North Carolina General Statutes.

ORDINANCE (# 2010-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Sections 22, 25, 28, 29, 31, 32, 34, 37, 40, 43, 46, 49, 55, 58, 61, 64, 66, 68, 70, 73, 76, 85 of the City of Jacksonville Zoning Ordinance be amended as follows: ~~Strikethrough~~ indicates the proposed deletion of text while underlining indicates a proposed addition to the text.

FURTHER BE IT ORDAINED by the Jacksonville City Council that following Section 108, Flight Path Overlay District, be added to the City of Jacksonville Zoning Ordinance.

Section 22. Residential/Agricultural 20 (RA-20) Zone

Part F Special uses

churches,*
_

day care center and nurseries,*
_

Section 25. Residential Single-Family 15 (RS-15) Zone

Part E Permitted Uses

schools,*
_

Part F Special uses

churches,*
_

day care center and nurseries,*
_

libraries,*
_

Section 28. Residential Single-Family 12 (RS-12) Zone

Part E Permitted Uses

schools,*
_

Part F Special uses

churches,*
_

day care center and nurseries,*
_

libraries,*
_

Section 29. Residential Single-Family 10 (RS-10) Zone

Part E Permitted Uses

schools,*
_

Part F Special uses

churches,*
_

day care center and nurseries,*
_

libraries,*
_

Section 31. Residential 7 (R-7) Zone

Part E Permitted Uses

churches,*
_

day care center and nurseries,*
_

schools,*
_

Attachment

A

Section 32. Residential Single Family 7 (RS-7) Zone

Part F Special uses

churches,*
day care center and nurseries,*
libraries,*
schools,*

Section 34. Residential Multi-Family 6 (RM-6) Zone

Part F Special uses

churches,*
day care center and nurseries,*
libraries,*
schools,*

Section 37. Residential Single Family 6 (RS-6) Zone

Part F Special uses

churches,*
schools,*

Section 40. Residential Multi-Family 5 (RM-5) Zone

Part F Special uses

churches,*
day care center and nurseries,*
libraries,*
nursing homes,*
rest homes,*
schools,*

Section 43. Residential Downtown 5 (RD-5) Zone

Part E Permitted Uses

libraries*

Part F Special uses

churches,*
museums,*
schools,*

Section 46. Residential Single-Family 5 (RS-5) Zone

Part F Special uses

churches,*
day care center and nurseries,*
libraries,*
schools,*

Section 49. Residential Downtown 3 (RD-3) Zone

Part E Permitted Uses

churches,*
day care center and nurseries,*
libraries,*

Part F Special uses
museums,*
schools,*

Section 55. Townhouses, Condominiums, and Apartments (TCA) Zone

Part E Permitted Uses
churches,*
libraries,*
rest homes,*
schools,*

Part F Special uses
day care center and nurseries,*

Section 58. Residential-Office (R-O) Zone

Part E Permitted Uses
churches,*

Part F Special uses
day care center and nurseries,*
museums,*
schools,*

Section 61. Office and Institutional (O&I) Zone

Part E Permitted Uses
churches,*
colleges,*
day care center and nurseries,*
hospitals,*
museums,*
nursing homes,*
rest homes,*
schools,*

Section 64. Neighborhood Business (NB) Zone

Part E Permitted Uses
churches,*
day care center and nurseries,*
museums,*
nursing homes,*
rest homes,*

Section 66. Central Business District (CBD) Zone

Part E Permitted Uses
churches,*
day care center and nurseries,*
Part F Special uses
libraries,*
museums,*
schools,*

Section 68. Office/Mixed Use (O/MU) Zone

Part E Permitted Uses

day care center and nurseries,*
_

Part F Special uses

churches,*
_

libraries,*
_

museums*
_

Section 70. Business (B) Zone

Part E Permitted Uses

assembly halls and coliseums,*
_

churches,*
_

colleges,*
_

day care center and nurseries,*
_

department and variety stores,*
_

hospitals,*
_

museums,*
_

nursing homes,*
_

rest homes,*
_

retail establishments,*
_

schools,*
_

theaters,*
_

Section 73. Business 1 (B-1) Zone

Part E Permitted Uses

assembly halls and coliseums,*
_

churches,*
_

colleges,*
_

day care center and nurseries,*
_

department and variety stores,*
_

hospitals,*
_

hotels and motels,*
_

museums,*
_

nursing homes,*
_

retail establishments,*
_

rest homes,*
_

rubber plant, tire recapping,*
_

theaters,*
_

schools,*
_

Section 76. Business 2 (B-2) Zone

Part E Permitted Uses

assembly halls and coliseums,*
_

churches,*
_

colleges*
_

day care center and nurseries,*
_

department and variety stores,*
_

hospitals,*
hotels and motels,*
jails and penal institutions,*
museums,*
nursing homes,*
rest homes,*
retail establishments,*
rubber plant, tire recapping ,*
schools,*
theaters,*

Section 85. Industrial (I) Zone

Part F Permitted Uses

assembly halls and coliseums,*
churches,*
colleges,*
day care center and nurseries,*
department and variety stores,*
hospitals,*
hotels and motels,*
jails and penal institutions,*
museums,*
nursing homes,*
petroleum bulk plants,*
rack tracks,*
rest homes,*
retail establishments,*
rubber plant, tire recapping ,*
schools,*
theaters,*

Part H Conditional Uses

acid manufacture,*
cement, lime, gypsum or plaster of paris manufacture,*
fish fertilizer manufacture,*
gas manufacture,*

*will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 50,000 square feet.

Section 108. Flight Path Overlay District

A. Purpose.

The main purpose of this overlay district is to ensure the compatibility between air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River and land uses on properties below military base flight paths. The intent is to

eliminate potential interference with safe aircraft operations, potential threats from falling aircraft, and potential impacts of aircraft noise.

B. Establishment.

The Flight Path Overlay District, as depicted on the official zoning map, is hereby established as a district that overlays land within and immediately adjacent to designated flight paths towards fixed-wing landing areas and around helicopter landing areas within Marine Corps Base Camp Lejeune and Marine Corps Air Station New River.

C. Application.

1. All structures located in this overlay district shall meet the criteria outlined in this section, in addition to all other regulations.

D. Special Uses.

To the extent that any of the following uses are permitted by the underlying zoning district, they shall be permitted in the Flight Path Overlay District only with a Special Use Permit approved under Section 118 and subject to the additional standards of this subparagraph:

1. Sanitary landfills or other similar uses.

This use, which potentially involves significant attraction of birds, shall be allowed only if its size, location, design, and operations are such that the potential impact of interference with overhead aircraft due to the flocks of birds attracted to the landfill is not substantial.

2. Colleges, schools, day care center and nurseries with more than 30 children, hospitals, jails and penal institutions, nursing homes, rest homes, libraries, museums, churches, assembly halls and coliseums seating more than 150 people, spectator-oriented sports complexes or stadiums, fairgrounds, race tracks, theaters, auditoriums, hotels and motels with 3 or more stories, department and variety stores or retail establishments with more than 500,000 square feet of floor area, or other similar uses.

These uses, which potentially involve high concentrations of people and/or activities particularly vulnerable to sensitive to noise, shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to falling aircraft and/or the potential adverse impacts on normal activities from noise created by overhead aircraft are not substantial.

3. Mining and quarrying, fertilizer manufacturing and storage, concrete products production, asphalt products manufacturing, cement, lime, gypsum or plaster of paris manufacture, fish fertilizer manufacture, or other similar uses.

These uses, which potentially involve significant airborne emissions of dust, shall be allowed only if their size, location, design, and operations are such that the potential impairment of pilot visibility for overhead aircraft due to the emission of dust is not substantial.

4. Chemical manufacturing, plastic products manufacturing, pharmaceuticals manufacturing, refineries, above ground bulk storage of oil and gasoline, petroleum bulk plants, rubber plant, tire recapping acid manufacture, gas manufacture, or other similar uses.

These uses, which potentially involve use and/or storage of significant amounts of materials that are highly explosive, flammable, toxic, corrosive, or otherwise hazardous, shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to the impacts of falling aircraft is not substantial.

E. Prohibited Uses, Development, Activities.

Any use, development, or activity is prohibited if it:

1. Produces smoke, dust, or other airborne substances in such amounts as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft;

2. Produces light emissions - either direct or indirect (reflective) - of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft; or

3. Produces electronic emissions that interfere with navigation signals or radio communications between aircraft and landing control facilities or with the aircraft's navigational or communication equipment.

F. Height Limits.

Irrespective of building height limits in the underlying zoning districts, no structure within the Flight Path Overlay District shall have a height of more than one hundred (100) feet.

G. Non-Conforming Structures.

All nonconformities as defined by Section 10 shall comply with all the requirements of this section in the manner described in Section 96. Failure to comply shall render the business illegal and subject to zoning enforcement action. Nonconformities as defined by Section 10 are any nonconforming use, structure, lot of record, site feature or sign. Under Section 96, nonconformities are permitted to continue until removed but their survival is not encouraged.

H. Severability.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this section are severable, and if any such section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this section since the same would have been enacted

without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 4th day of January, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk



Planning Board Minutes – December 13, 2010

Agenda Item:	1
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Public Hearing (*Legislative*) – Zoning Text Amendment- Flight Path Overlay District

To ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River, the Base has requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). If approved, the overlay district would be added to the Zoning Ordinance and would identify specific restrictions on heights, uses and certain activities within the district.

The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

If adopted, a subsequent map amendment (rezoning) will be brought forward for consideration and approval. Enforcement of this FPOD will not have any affect until the map amendment is adopted at subsequent meetings/hearings.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Keyes asked if this would prohibit them from flying over gas stations. Ms. Barman stated that this would mean if a gas station was being proposed, they would have to go through the special use permit process.

Ms. VanderVere asked if this would affect the tower that just went through Planning Board a while back. Ms. Barman stated that it was her understanding that the applicant for the tower are in conversation with the Base and coming to a mutual agreement. Because this has not been adopted, we have no way to enforce it because we don't have it in our regulations. Mr. King stated that we can't go back and apply this to them. But the Base is trying to work things out by proposing moving it to another location on the same property. Mr. King wanted to mention his thought on the service station situation earlier. The service station would not fall under petroleum bulk plants so any proposed service stations would not have to go through the special use process.

Ms. Joos wanted to know how close this is to the hospital and the mall. Mr. Goodson stated that this is not even on Western Blvd. Mr. Goodson gave some history of this Flight Path Overlay District and the importance of adopting it.

Thomasine Moore moved to approve the zoning text amendment as presented. Pauline Joos seconded the motion.

The motion to approve the zoning text amendment as presented was unanimously approved by the Board Members present.

Attachment

B



UNITED STATES MARINE CORPS

MARINE CORPS BASE
PSC Box 20004
CAMP LEJEUNE, NC 28542-0004
MARINE CORPS AIR STATION
PSC Box 21001
NEW RIVER, NC 28545-1001

MCASNR
3125

MCBCL
3125

JOINT LETTER

From: Commanding Officer, Marine Corps Base Camp Lejeune
Commanding Officer, Marine Corps Air Station New River

To: Jacksonville City Council

Subj: ADOPTION OF THE FLIGHT PATH OVERLAY DISTRICT

Encl: (1) Onslow County's adopted Flight Path Overlay District
(2) Map of Onslow County's Zoning Ordinance

1. This joint letter is a request for the Jacksonville City Council to formally adopt a Flight Path Overlay District (FPOD) as part of the municipal zoning ordinance.

2. The main purpose of this district is to ensure the compatibility between air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River. Flight tracks are used for aircraft take-offs and landings as well as ingress and egress into the landing zones and G-10 impact area. The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

3. The enclosures contain the zoning ordinance and the FPOD map adopted by the county as a result of the Joint Land Use Study recommendation. With the expansion of the city's extraterritorial jurisdiction we feel that it is necessary for the City Council to give like consideration.

4. The point of contact for the matter is Joe Ramirez at (910) 451-7645.

J. M. HEWLETT
Commanding Officer
MCAS New River

D. J. LECCE
Commanding Officer
MCB Camp Lejeune

Attachment

C

710.2 Flight Path Overlay District

A. Purpose

The main purpose of this district is to ensure the compatibility between air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River and land uses on properties near these military bases, in terms of potential interference with safe aircraft operations, potential threats from falling aircraft, and potential impacts of aircraft noise.

B. Establishment

The Flight Path Overlay District (FPOD) is hereby established as a district that overlays land within and immediately adjacent to designated flight paths towards fixed-wing landing areas and around helicopter landing areas within Marine Corps Base Camp Lejeune and Marine Corps Air Station New River, as delineated on the Onslow county Zoning Map.

C. Special Uses

To the extent that any of the following uses are permitted by the underlying zoning district, they shall be permitted in the Flight Path Overlay District only with a Special Use Permit approved under Article XIII and subject to the additional standards of this subparagraph:

1. Sanitary landfills.

This use - which potentially involves significant attraction of birds - shall be allowed only if its size, location, design, and operations are such that the potential impact of interference with overhead aircraft due to the flocks of birds attracted to the landfill is not substantial.

2. Colleges, schools, child care centers with more than 30 children, hospitals, nursing homes, libraries, churches or assembly halls seating more than 150 people, spectator-oriented sports complexes or stadiums, fairgrounds, racetracks, theaters, auditoriums, hotels and motels with 3 or more stories, and shopping centers with more than 500,000 square feet of floor area.

These uses - which potentially involve high concentrations of people and/or activities particularly vulnerable to sensitive to noise - shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to falling aircraft and/or the potential adverse impacts on normal activities from noise created by overhead aircraft are not substantial.

3. Mining and quarrying, fertilizer manufacturing and storage, concrete products production, and asphalt products manufacturing.
These uses - which potentially involve significant airborne emissions of dust - shall be allowed only if their size, location, design, and operations are such that the 22 potential

impairment of pilot visibility for overhead aircraft due to the emission of dust is not substantial.

4. Chemical manufacturing, fertilizer manufacturing and storage, plastic products manufacturing, pharmaceuticals manufacturing, asphalts products manufacturing, refineries, aboveground bulk storage of oil and gasoline, or other similar use that is subject to the accidental release prevention requirements in 40 CFR part 68. These uses - which potentially involve use and/or storage of significant amounts of materials that are highly explosive, flammable, toxic, corrosive, or otherwise hazardous - shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to the impacts of falling aircraft is not substantial.

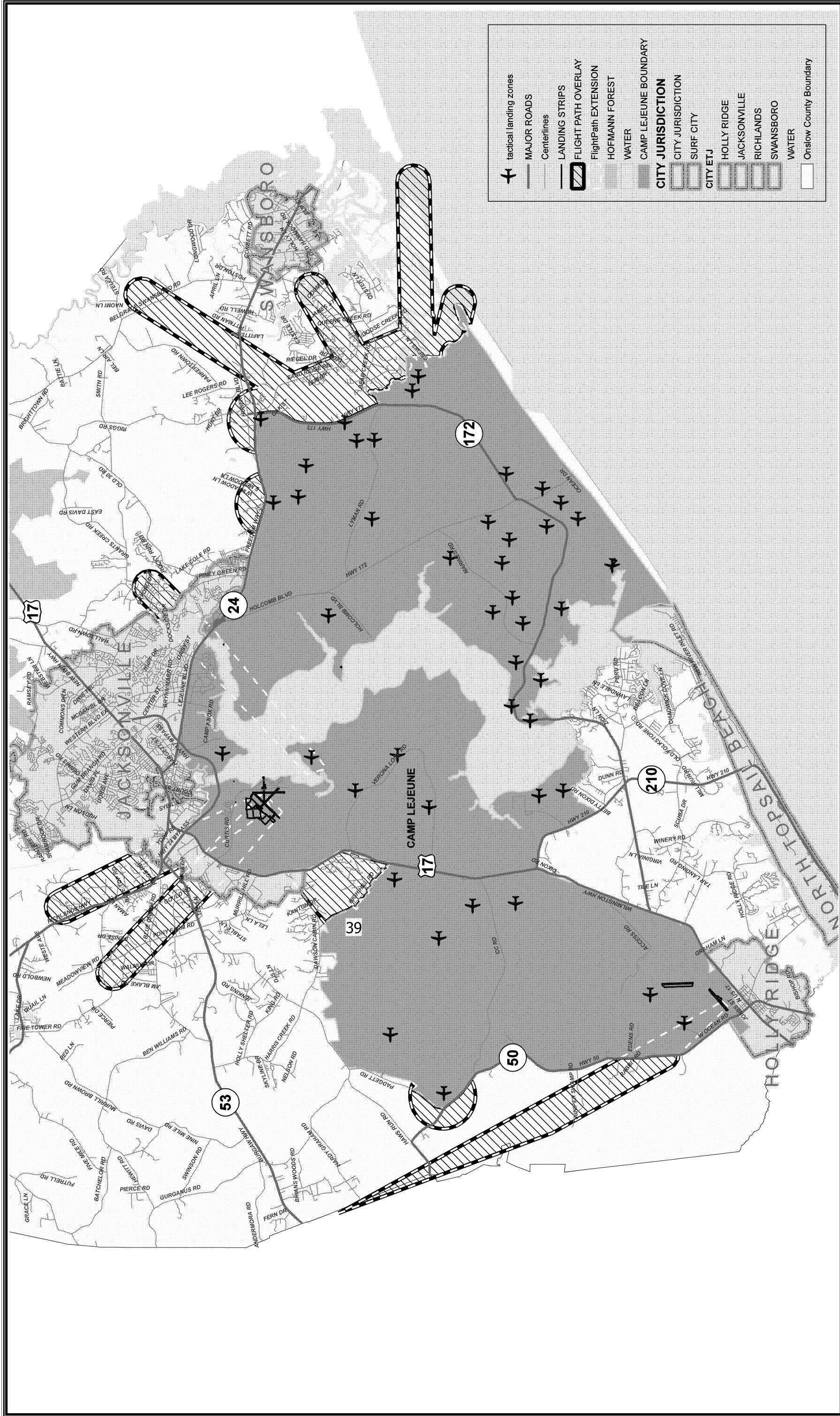
D. Prohibited Uses, Development, Activities

Any use, development, or activity is prohibited if it:

1. Produces smoke, dust, or other airborne substances in such amounts as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft;
2. Produces light emissions - either direct or indirect (reflective) - of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft; or
3. Produces electronic emissions that interfere with navigation signals or radio communications between aircraft and landing control facilities or with the aircraft's navigational or communication equipment.

E. Height Limits

Irrespective of building height limits in the underlying zoning districts, no structure within the Flight Path Overlay District shall have a height of more than one hundred (100) feet.



FLIGHT PATH OVERLAY DISTRICT

Map Produced by Onslow County GIS

1 inch = 14,500 feet

JULY 31, 2006

This map is intended for reference only.
All dimensions are appropriate.
As per NCGS 132-10, this map is not to be
resold or otherwise used for commercial
purposes.

MAP.FLIGHT PATH OVERLAY.DIST.DWG

Flight Path Overlay Ditritct

City of Jacksonville - 10/25/10

Major Roads

Centerlines

Water

Flight Path Overlay District

Parcels

gisdata.GISADMIN.InOut

DESCRPT

City Limits

Extra Territorial Jurisdiction

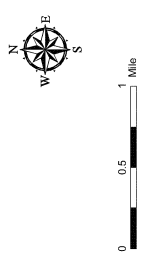
Marine Base

County



Attachment

D





Request for City Council Action

Agenda Item:	2
Date:	1/4/2011

Subject: Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Karen J. Armstrong Dental Office – 3160 Henderson Drive

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: Yes

Issue Statement

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 2,630 square foot office and proposed expansion. The proposed site plan shows a 1,755 square foot expansion, that if approved would make the total building square footage on this site 4,386. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required.

Financial Impact

None

Action Needed

Conduct Public Hearing
Consideration of the Conditional Use Permit and Site Plan

Recommendation

City Staff and Planning Board recommend City Council move to approve the Conditional/Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and the two Site Plan conditions.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special Use Permit Worksheet
- B Draft December 13, 2010 Planning Board Minutes
- C Zoning and Land Use Map
- D Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Karen J. Armstrong
Dental Office – 3160 Henderson Drive

Introduction

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 2,630 square foot office and proposed expansion. The proposed site plan shows a 1,755 square foot expansion, that if approved would make the total building square footage on this site 4,386. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required.

Procedural History

- On November 4, 2010 John L. Pierce and Associates submitted a site plan application proposing this expansion to the existing office building.
- On December 13, 2010 the Planning Board recommended approval of this request.
- On January 4, 2011 the City Council will consider this request.

Stakeholders

- Robert L. Williams and Karen Armstrong – Owners
- John L. Pierce and Associates – Applicant/Design Professional
- Adjacent Property Owners - In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1 and CU-O&I.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal vacant land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Plan Future Land Use Map (2007)

The Growth Management Plan (GMP) identifies the subject parcel Office (O) on the Future Land Use Map.

Office designations provide areas for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

Draft CAMA Land Use Plan (2010)

While not formally approved yet, the Draft CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the Draft CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The Draft CAMA Plan identifies the subject parcels as Office (O) other surrounding properties which front on Henderson Drive are also identified as Office. The CAMA Plan describes Office designations as areas providing for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees.

Evaluation

Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, and with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Parking Assessment

Per section 102, office uses require 1 parking space per 250 square feet. As proposed, this site requires 18 spaces. The developer is proposing 32 total spaces, 14 more than required.

Public Hearing Notification

In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Sewer Flow Allocation Assessment

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Merits of the Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The subject property is zoned Conditional Use-Business-1 (B-1) and within this zoning district, Offices – business, professional, and public are allowed with an approved Conditional Use Permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, conditional use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, and with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

1. Identify the required 8 foot street lawn on the applicant's property and behind the existing sidewalk; and
2. Identify how the required landscaping areas will be protected.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1 and CU-O&I.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1 and CU-O&I.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Conditional Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The site plan does not meet all applicable standards.

B. Approve the Conditional Use Permit and Site Plan conditioned upon the following minor plan revisions. (RECOMMENDED)

1. Identify the required 8 foot street lawn on the applicant's property and behind the existing sidewalk; and
2. Identify how the required landscaping areas will be protected.

- Pros: Allows the process to move forward while ensuring the site plan is revised appropriately.
- Cons: None.

C. Deny the Conditional Use Permit and Site Plan request.

- Pros: The site plan does not meet all applicable standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: The proposed site plan does not meet all applicable standards. Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.

WORKSHEET FOR CONDITIONAL USE PERMITS

Applicant: John L. Pierce and Associates

Location: 3160 Henderson Drive (Tax Map 339G, Parcel ID # 16.2)

Proposed Use of Property: Offices – business, professional, and public

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Conditional use	Yes	No
e.	The proposed Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



Planning Board Minutes – December 13, 2010

Agenda Item:	2
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Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Karen J. Armstrong
Dental Office – 3160 Henderson Drive

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 2,630 square foot office and proposed expansion. The proposed site plan shows a 1,755 square foot expansion, that if approved would make the total building square footage on this site 4,386. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required.

City staff recommends Planning Board move to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with two conditions identified within the Staff Report.

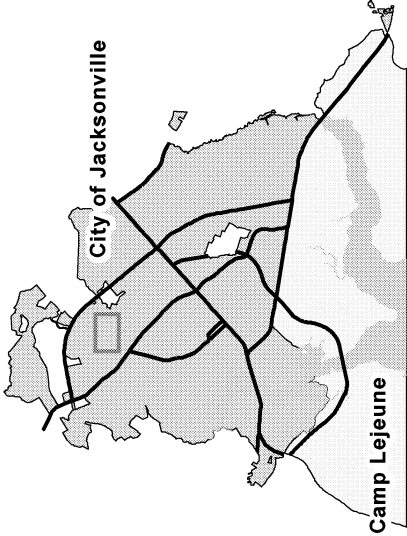
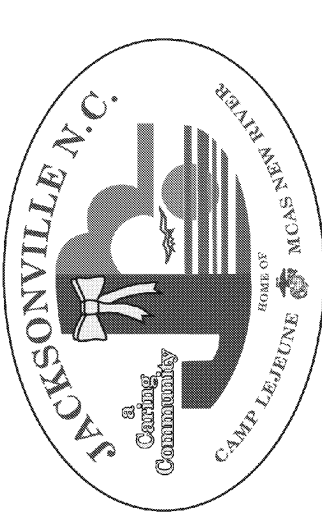
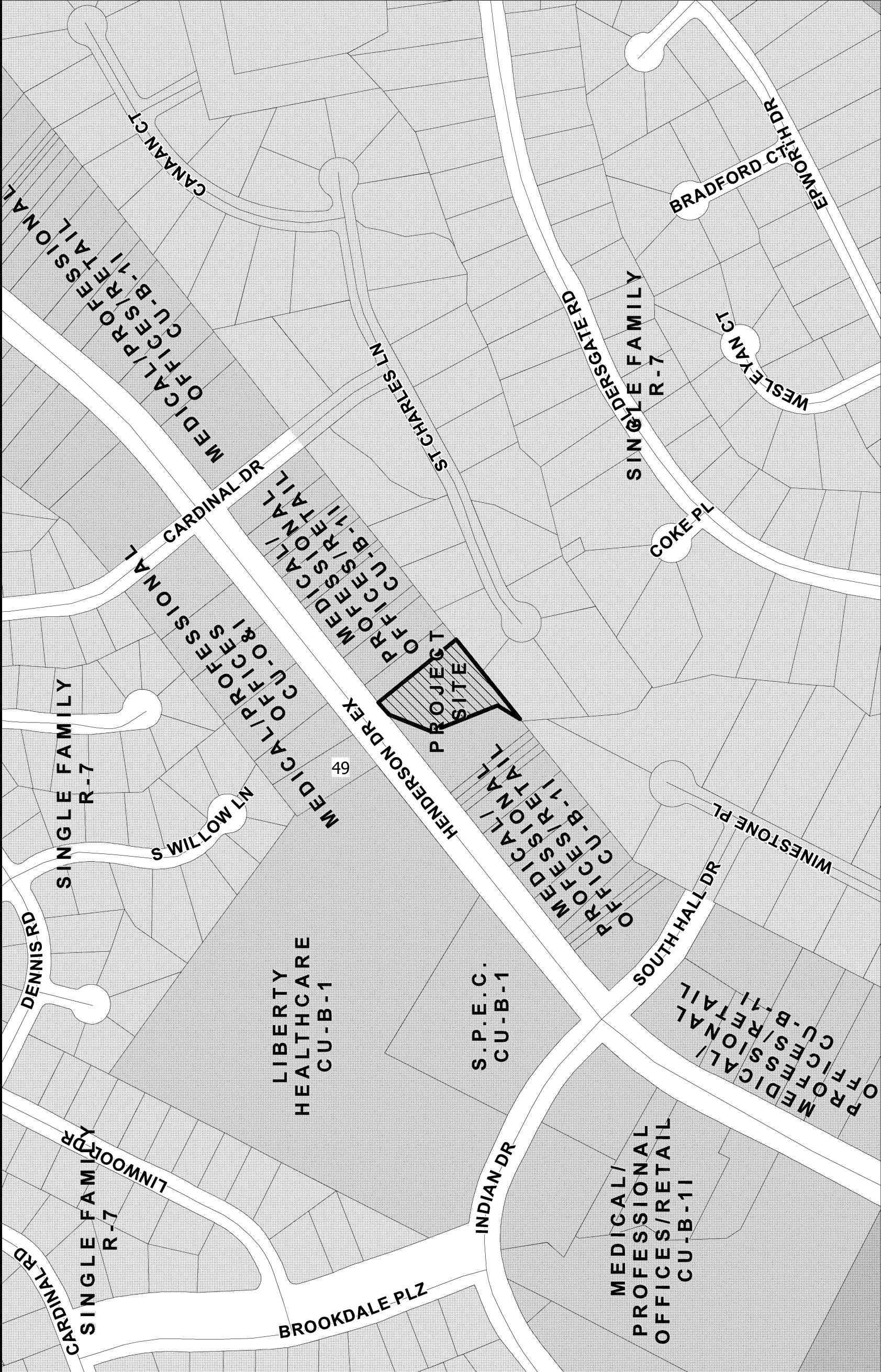
Chuck Quinn moved to approve the conditional use permit and site plan based on findings of fact A through G being found in the affirmative with two conditions identified within the staff report. Homer Spring seconded the motion.

The motion to approve the conditional use permit and site plan based on findings of fact A through G being found in the affirmative with two conditions identified within the staff report was unanimously approved by the Board Members present.

Exhibit

B

Karen Armstrong Dental Office - 3160 Henderson Dr.



Legend

- Centerlines
- Parcels

Zoning TV Colors

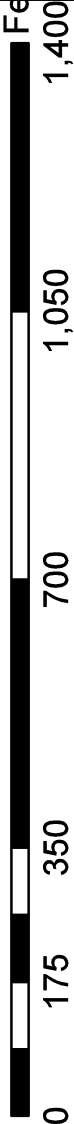
Zones

- IND
- CU-B
- B-1
- CU-B-1
- B-2
- CU-B-2
- O&I
- CU-O&I
- TCA
- CU-TCA
- CBD
- OMU
- NB
- CU-NB
- R-O
- RA-20
- CU-RA-20
- RS-12
- RS-10
- R-7
- RS-7
- RS-6
- RM-6
- RS-5
- RM-5
- CU-RM5
- RD-5
- RD-3
- CU-RD-3
- MR

Exhibit

C

Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





Request for City Council Action

Agenda Item:	3
Date:	1/4/2011

Subject: Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Keller Williams Realty – 3840 Henderson Drive
Department: Planning & Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: Yes

Issue Statement

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 4,169 square foot office and proposed expansion. The proposed site plan shows a 4,674 square foot expansion, that if approved would make the total building square footage on this site 8,843. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required.

Financial Impact

None

Action Needed

Conduct Public Hearing
Consideration of the Conditional Use Permit and Site Plan

Recommendation

City Staff and Planning Board recommend City Council move to approve the Conditional/Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and the one Site Plan condition.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special Use Permit Worksheet
- B Draft December 13, 2010 Planning Board Minutes
- C Zoning and Land Use Map
- D Site Plan



Staff Report

Agenda Item:	3
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Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Keller Williams Realty – 3840 Henderson Drive

Introduction

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 4,169 square foot office and proposed expansion. The proposed site plan shows a 4,674 square foot expansion, that if approved would make the total building square footage on this site 8,843. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required.

Procedural History

- On November 4, 2010 John L. Pierce and Associates submitted a site plan application proposing this expansion to the existing building.
- On December 13, 2010 the Planning Board recommended approval of this request.
- On January 4, 2011 the City Council will consider this request.

Stakeholders

- Emmanuel and Cally Semanderes – Owners
- John L. Pierce and Associates – Applicant/Design Professional
- Adjacent Property Owners - In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal vacant land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and the Plan's broad nature should be viewed more as a historical document instead of a true guide for future growth and development.

The Growth Management Plan Future Land Use Map (2007)

The Growth Management Plan (GMP) identifies the subject parcel Office (O) on the Future Land Use Map.

Office designations provide areas for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

Draft CAMA Land Use Plan (2010)

While not formally approved yet, the Draft CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the Draft CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The Draft CAMA Plan identifies the subject parcels as Office (O) other surrounding properties which front on Henderson Drive are also identified as Office. The CAMA Plan describes Office designations as areas providing for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees.

Evaluation

Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, and with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Parking Assessment

Per section 102, office uses require 1 parking space per 250 square feet. This office including the expansion would require 35 spaces. The developer is proposing 61 total spaces, 36 more than required.

Public Hearing Notification

In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will be notified of the proposed public hearing that will be held by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Sewer Flow Allocation Assessment

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Merits of the Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The subject property is zoned Conditional Use-Business-1 (B-1) and within this zoning district, Offices – business, professional, and public are allowed with an approved Conditional Use Permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, conditional use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, and with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

1. Add accessible way to the public right of way from the existing handicap space.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located within the City limits and zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the west and east by property used for offices, zoned CU-B-1; to the south by undeveloped property zoned Residential-7 (R-7); and to the north, across Henderson Drive by offices, zoned CU-B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Conditional Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The site plan does not meet all applicable standards.

B. Approve the Conditional Use Permit and Site Plan conditioned upon the following minor plan revision. (RECOMMENDED)

1. Add accessible way to the public right of way from the existing handicap space.

- Pros: Allows the process to move forward while ensuring the site plan is revised appropriately.
- Cons: None.

C. Deny the Conditional Use Permit and Site Plan request.

- Pros: The site plan does not meet all applicable standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: The proposed site plan does not meet all applicable standards. Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.

WORKSHEET FOR CONDITIONAL USE PERMITS

Applicant: John L. Pierce and Associates

Location: 3160 Henderson Drive (Tax Map 339G, Parcel ID # 6.3)

Proposed Use of Property: Offices – business, professional, and public

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Conditional use	Yes	No
e.	The proposed Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect:_____

3. DENYING THE CONDITIONAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not:_____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons:_____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons:_____

Exhibit

A



Planning Board Minutes – December 13, 2010

Agenda Item:	3
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Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Keller Williams
Realty – 3840 Henderson Drive

John L. Pierce and Associates has submitted an application for a Conditional Use Permit and Site Plan for an existing 4,169 square foot office and proposed expansion. The proposed site plan shows a 4,674 square foot expansion, that if approved would make the total building square footage on this site 8,843. The property is zoned Conditional Use-Business-1 (CU-B-1) thus the reason a conditional use permit is required. City staff recommends Planning Board move to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with a condition identified within the Staff Report.

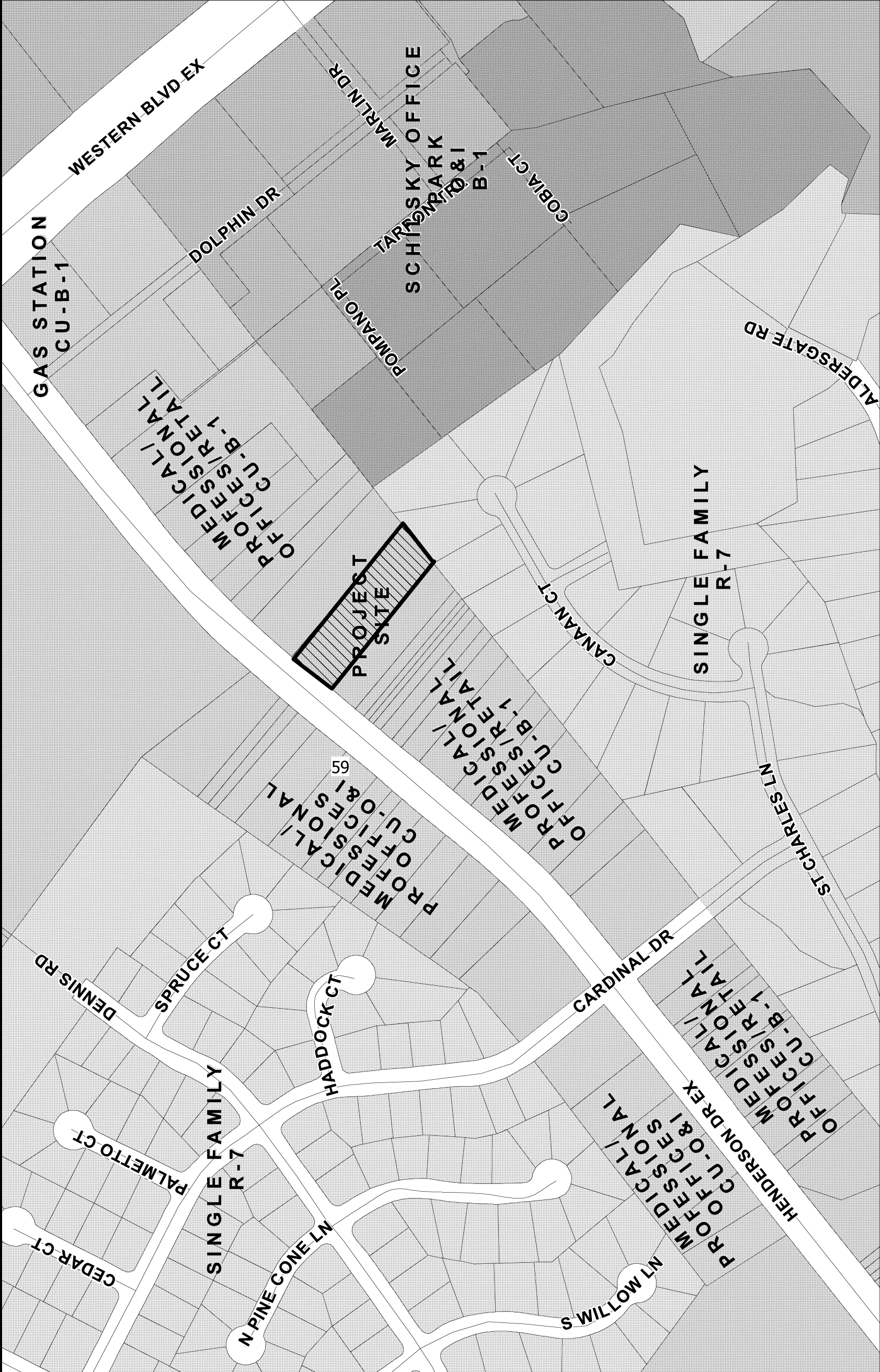
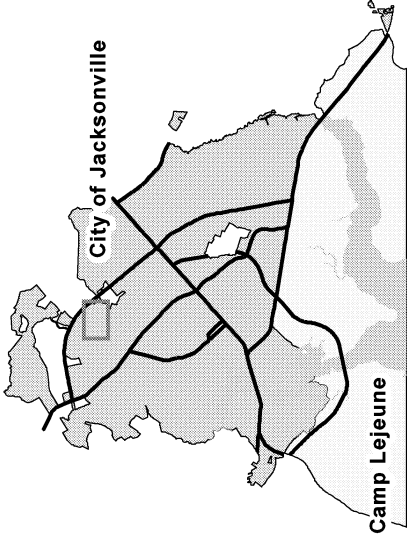
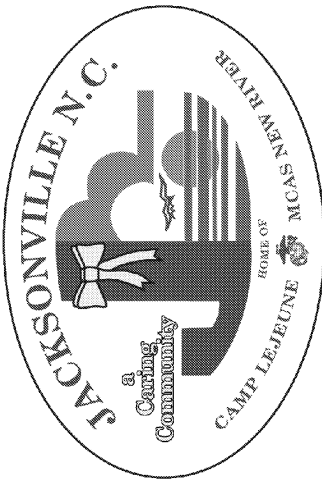
Danny Williams moved to approve the conditional use permit and site plan based on findings of fact A through G being found in the affirmative with a condition identified within the staff report. Theresa VanderVere seconded the motion.

The motion to approve the conditional use permit and site plan based on findings of fact A through G being found in the affirmative with a condition identified within the staff report was unanimously approved by the Board Members present.

Exhibit

B

Keller Williams - 3840 Henderson Dr.



Legend

Centerlines

Parcels

Zoning TV Colors

Zones

IND

CU-B

B-1

CU-B-1

B-2

CU-B-2

O&I

CU-O&I

TCA

CU-TCA

CBD

OMU

NB

CU-NB

R-O

RA-20

CU-RA-20

RS-12

RS-10

R-7

RS-7

RS-6

RM-6

RM-5

CU-RM5

RD-5

RD-3

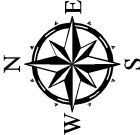
CU-RD-3

MR

Exhibit

C

Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





Request for City Council Action

Agenda Item:	4
Date:	1/4/2011

Subject: Public Hearing (*Quasi-Judicial*) – Special Use Permit, Site Plan, and Sewer Allocation Request – Mainstay Suites (Hotel) and Restaurant – 2201 N. Marine Blvd.

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: Yes

Issue Statement

Wilson and Lysiak, Inc., has submitted a Special Use Permit and Site Plan application for a proposed hotel and restaurant. If approved, a 50,560 square foot 97 room hotel and 5,089 square foot restaurant would be permitted on 3.21 acres at 2201 N. Marine Blvd. The property is zoned Business-1 (B-1) and within this district hotels and restaurants are permitted; however, the combined square footage is over 25,000; therefore, a Special Use Permit is required.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Special Use Permit and Site Plan

Consideration of the Sewer Allocation Request

Recommendation

City Staff and Planning Board recommend City Council move to approve the Special Use Permit and Site Plan with two Special Use Permit conditions and two Site Plan conditions, based on findings of fact A through G being found in the affirmative and to approve the sewer allocation of 16,975 gpd.

Approved: ☒ City Manager ☐ City Attorney

Exhibits:

- A Special Use Permit Worksheet
- B Sewer Allocation Record
- C Draft December 13, 2010 Planning Board Minutes
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Agenda Item:	4
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Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – Mainstay Suites (Hotel) and Restaurant – 2201 N. Marine Blvd.

Introduction

Wilson and Lysiak, Inc., has submitted a Special Use Permit and Site Plan application for a proposed hotel and restaurant. If approved, a 50,560 square foot 97 room hotel and 5,089 square foot restaurant would be permitted on 3.21 acres at 2201 N. Marine Blvd. The property is zoned Business-1 (B-1) and within this district hotels and restaurants are permitted; however, the combined square footage is over 25,000; therefore, a Special Use Permit is required.

Procedural History

- On October 26, 2010, Wilson and Lysiak, Inc submitted an application for this Special Use Permit and Site Plan.
- On November 16, 2010, the City received the Transportation Impact Analysis prepared by M/A/B.
- On December 13, 2010, Planning Board recommended approval of this request.
- On January 4, 2011, City Council will conduct a public hearing and consider this request.

Stakeholders

- Wilson and Lysiak – Applicant/Design Professional
- Terrence J. Leifheit – Property owner
- Adjacent Property Owners – In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City Limits and is zoned Business-1 (B-1). It is bordered to the north by property used for an assisted living facility, zoned O&I; to the south by N. Marine Blvd.; and to the west and east by properties used for hotels, zoned B-1.

Transportation Assessment

As required by the Jacksonville Zoning Ordinance, an external Transportation Impact Analysis (TIA) was conducted for this development. The draft TIA was submitted by Martin/Alexiou/Bryson, PC on November 12, 2010 and is currently under review by NCDOT. The TIA will be finalized once all comments are received. The TIA evaluated the joint traffic impact of the following two projects:

- 97-room hotel
- 5,600 square foot restaurant

The *ITE Trip Generation Manual, 8th Edition* was used to determine the anticipated traffic volume data for the two proposed commercial developments, located on the north side of US 17 (N. Marine Boulevard), near McDaniel Drive. Table 1 indicates the average two-way daily traffic volume and the peak hour totals that the residential development is expected to generate at full build-out.

Table 1: Estimated Traffic Volumes

Time Period	MainStay Suites Hotel	New Restaurant	Total
Average weekday 2-way volume	722	629	1,351
AM Peak Hour total (7 – 9 AM)	54	65	119
PM Peak Hour Total (4 – 6 PM)	51	55	106

An existing year 2010 analysis was conducted as well as a 2012 analysis, which projects operations once the development is completed. The TIA identified roadway improvements necessary to mitigate the joint impacts of the proposed development on the adjacent highways. Table 2 summarizes the Level of Service (LOS) results as reported in the TIA.

Table 2: Level of Service Summary (AM Peak / PM Peak)

Intersection	Existing (2010)	No-Build (2010)	Build (2012)
US 17 and McDaniel Drive	D / D	D / D	D / D
US 17 and Lejeune Auto Driveway	C / C	C / C	C / C
US 17 and Site Access #1	B / A	B / A	B / C
McDaniel Drive and Site Access #2	B / C	B / C	B / D

The commercial development is not expected to have a significant traffic impact on the adjacent intersections. The US 17 and McDaniel Drive traffic signal maintains acceptable operations once the development is completed. Additionally, the two site driveways are projected to operate acceptably in the future as well. The following roadway improvements were recommended as part of the TIA to ensure safety and acceptable operations:

- Restripe McDaniel Drive to accommodate three lanes between the Mexican Restaurant driveway/InnKeeper hotel driveway and the Extended Stay America hotel driveway. The center lane will serve as a two-way-left-turn lane. This will not require additional pavement.
- The development will relocate the existing right-in/right-out access along US 17 approximately 50 feet south. It is recommended that the existing right-turn into this driveway be maintained, resulting in a slightly longer turn lane, with approximately 75 feet of storage.
- Provide a pedestrian connection between the project site and McDaniel Drive to connect the site to the surrounding pedestrian network and transit stops.

The above turn lanes and restriping improve operations and safety by providing an exclusive space in which vehicles may decelerate prior to turning into the site and by delineating the wide, unmarked segment of paved road along McDaniel Drive.

There are additional recommendations that were not included in the draft TIA that will, however, be included in the final TIA. Currently the site access driveway at McDaniel Drive has broken pavement, damaged curb and gutter segments, and inadequate wheelchair ramps. With the increased vehicular traffic as a result of this site, improvements are required to improve this connection. This includes at a minimum:

- Creating a smoother transition between McDaniel Drive and the site access (remove dip). This improvement will also require exploration of the hydrological characteristics of this location to ensure that water will not pool at the transition point.
- Rehabilitating the broken curb and gutter segments at the driveway and widening the curb radius as feasible.
- Reconstructing the existing wheelchair ramps to meet ADA compliance regulations.
- Striping a crosswalk across the site access driveway at its intersection with McDaniel Drive.

It should be noted that this TIA is currently under review by NCDOT; and the recommendations on improvements are still subject to approval.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal vacant land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Plan Future Land Use Map (2007)

The Growth Management Plan (GMP) identifies the subject parcel 345E-37, the proposed hotel's parcel as Low Density Residential (LDR) in its Future Land Use Map. The other subject parcel, 345E-38.1, the proposed restaurant parcel, is identified as Neighborhood Commercial (NC) on the Future Land Use Map.

Low Density Residential provides areas for primarily single-family detached residential development with home occupations, schools, churches and other non-profit organizations.

Neighborhood Commercial provides for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

Draft CAMA Land Use Plan (2010)

While not formally approved yet, the Draft CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the Draft CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The Draft CAMA Plan identifies the subject parcels as Regional Commercial (RC) and surrounding properties are also designated RC. Regional Commercial is intended for services, large-scale retail and wholesaling activities that serve the entire community and the region. RC areas should have access to a major thoroughfare.

Evaluation

Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, but is inconsistent with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

The Draft CAMA Plan, representing the most comprehensive vision for Jacksonville's future growth should provide the most realistic guide for the years to come and as such, should be the guiding document for Jacksonville's future growth and Staff believes that the subject parcel's most appropriate designation is RC. Ideally, the GMP would be amended in the near future to reflect the actual character of the proposed development, but the proposed adoption of the draft CAMA FLU Map this Winter will eliminate the need for such an amendment.

Sewer Flow Allocation Assessment

The intent of the Sewer Allocation Policy is to manage limited capacity; plan for the future; allocate sewer in a fair and equitable manner; and incentivize infill development. The

policy establishes development priorities through a tiered system. Tier 1 projects are the highest priority which includes infill developments, previously approved development, and municipal projects. Second tier (Tier 2) projects include developments that have met City application requirements and Tier 3 projects are speculative in nature.

Allocation may be reserved for four distinct categories; however, the method by which it is reserved varies by Tier. For example, allocation for most Tier 1 projects can be granted by staff; Tier 2 projects follow the development approval process; and Tier 3 projects require a reservation fee and sketch plan approved by Council. The four categories for which allocation may be reserved are Single-Family Residential, Multi-Family Residential, Commercial, and Discretionary. Projects, such as Mainstay Suites, in the Multi-Family Residential Category are eligible for two phases of development with a maximum allocation of 57,600 gpd (the equivalent of 240 two-bedroom units) per phase.

Once sewer allocation has been granted for Tier 1 and Tier 2 projects, the applicant has 18 months to use the allocation regardless of the category. Allocation that has not been used within this period automatically reverts to the City; however, the proposed policy allows staff to grant a 6 month extension if the delay is a result of factors beyond the applicant's control. Any subsequent extensions must be granted by City Council.

Mainstay Suites has submitted a request for sewer flow allocation totaling 16,975 gpd (gallons per day) to serve 97 units with in room cooking facilities

Parking Assessment

In accordance with Section 102 Parking Requirements, a hotel shall provide 1 parking space per room, plus 5 additional spaces for staff and the restaurant shall provide 1 space per 4 persons the facility is designed to accommodate when fully utilized. The hotel is required to have 102 spaces and the restaurant is required to have 63 spaces, for a total of 165 spaces. The developer is allowed a 20% reduction in parking because the combined uses are over 25,000 square feet. A 20% reduction would equal 33 spaces, making the required spaces after reduction 132. The developer is not proposing to use the allowed reduction and is proposing a total of 166 spaces.

Public Hearing Notification

In accordance with the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel will also be notified of the proposed public hearing conducted by City Council. Furthermore, signs will be posted on site and legal ads published in the local newspaper.

Merits of the Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The subject property is zoned Business-1 (B-1) and within this zoning district, hotels and restaurants are a permitted use; however, due to the combination of buildings exceeding 25,000, a special use permit is required.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the draft CAMA FLU Map, but is inconsistent with the GMP FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

1. Correct minor issues with site plan and site data block related to accessible parking, sidewalk, construction type, fire hydrant location, and parking; and
2. Show all improvements recommended by final TIA.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City Limits and is zoned Business-1 (B-1). It is bordered to the north by property used for an assisted living facility, zoned O&I; to the south by N. Marine Blvd.; and to the west and east by properties used for hotels, zoned B-1.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City Limits and is zoned Business-1 (B-1). It is bordered to the north by property used for an assisted living facility, zoned O&I; to the south by N. Marine Blvd.; and to the west and east by properties used for hotels, zoned B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Special Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

B. Approve the Special Use Permit and Site Plan with conditions: **(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted in a reasonable timeframe.
- Cons: None.

Conditions of Special Use Permit:

1. Construct and execute all recommended improvements as noted in the final TIA; and
2. Submit a recombination plat for review and approval.

Conditions of Site Plan:

1. Correct minor issues with site plan and site data block related to accessible parking, sidewalk, and parking; and
2. Show all improvements recommended by final TIA.

C. Deny the Special Use Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR SPECIAL USE PERMITS

Applicant: Wilson and Lysiak, Inc.

Location: 323 Branchwood Drive (Tax Map 345E, Parcel ID # 37 and 38.1)

Proposed Use of Property: Hotel and Restaurant (greater than 25,000 square feet)

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special use	Yes	No
e.	The proposed Special use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL USE PERMIT

motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



Sewer Flow Allocation Record

Agenda Item: **4**

Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – Mainstay Suites (Hotel) and Restaurant – 2201 N. Marine Blvd.

CITY OF JACKSONVILLE SEWER ALLOCATION RECORD POST SOC						
PROJECT	DATE	SINGLE FAMILY	MULTI-FAMILY	COMMERCIAL	DISCRETIONARY	TOTAL
PROJECTS GRANTED ALLOCATION						
Williamsburg Place Apartments Williamsburg Plantation Apartments, LLC	4/6/2010		74,880			74,880
Independence Place Apartments Place Enterprises Development Services, LLC	4/6/2010		52,800			52,800
Independence Place Apartments (Phase 2) Place Enterprises Development Services, LLC	4/6/2010		7,680			7,680
Carolina Place Apartments Carolina Forest Apartments LLC	4/6/2010		52,800			52,800
The Arbors at Carolina Forest KMW Builders	5/5/2010		48,960			48,960
IP Village @ North Marine Town Center (Phase I) Place Enterprises Development Services, LLC	6/8/2010		57,600			57,600
IP Village @ North Marine Town Center (Phase II) Place Enterprises Development Services, LLC	6/8/2010		39,360			39,360
Carriage Run Section IV Carolina Forest Developers	6/10/2010	2,520				2,520
The Gables Perimeter III, LLC	6/10/2010		7,680			7,680
Arlington West Apartments Arlington West Apartment Homes LLC	6/10/2010		12,240			12,240
Carriage Run Section V Carolina Forest Developers	6/10/2010	20,160				20,160
Hunting Place Apartments Hunting Place Apartments, LLC	7/20/2010		19,680			19,680
The Village at the Glen II Carolina Forest Developers LLC	8/17/2010		10,800			10,800
Southpointe Section III Carolina Forest Developers LLC	8/17/2010	360				360
The Plantations (Phase I) Berkley Hall Construction LLC	10/19/2010		60,480			
The Plantations (Phase II) Berkley Hall Construction LLC	10/19/2010		30,240			
SUBTOTAL OF ALLOCATIONS		23,040	475,200	-	-	498,240
PROJECTS REQUESTING ALLOCATION						
Mainstay Suites			16,975			16,975
REQUESTED ALLOCATION		-	16,975	-	-	
TOTAL OF ALLOCATIONS (IF APPROVED)		23,040	492,175	-	-	515,215
Multi-Family Category includes Town-homes & Apartments Commercial Category includes Industrial Uses All amounts are shown in gallons per day (gpd)						

Exhibit
B



Planning Board Minutes – December 13, 2010

Agenda Item:	4
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Public Hearing (*Quasi-Judicial*) – Special Use Permit and Site Plan – Mainstay Suites (Hotel) and Restaurant – 2201 N. Marine Blvd.

Wilson and Lysiak, Inc has submitted a Special Use Permit and Site Plan application for a proposed hotel and restaurant. If approved, a 50,560 square foot 97 room hotel and 5,089 square foot restaurant would be permitted on 3.21 acres at 2201 N. Marine Blvd. The property is zoned Business-1 (B-1) and hotels and restaurants are permitted within this zoning district, however the combined square footage is over 25,000 square feet therefore a special use permit is required.

The proposed development is located within the City Limits and as proposed will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy. This project will require a transportation impact analysis which has been prepared by Martin, Alexiou, Bryson (MAB). It is currently being reviewed by DOT and once finalized and all comments are received, any requirements necessary to mitigate the impacts will need to be put on the plans.

City staff recommends Planning Board move to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and the two Special Use Permit conditions, and four Site Plan conditions.

Ms. VanderVere asked where the hotel who sent the letter of protest was located in relation to the proposed development. Mr. King pointed out the property on the screen.

Mr. Williams asked if they were the only ones who has protested this proposed development. Mr. King stated that this was the only document we have received.

Mr. Keyes had a concern with the traffic stacking up along the major highway. Andrew Topp from MAB discussed how the current amount of traffic along with the additional traffic from this proposed development does not push it into a threshold to require improvements. It is a modest increase of delay, because of having two locations of ingress and egress to this development.

Ms. VanderVere asked if the restaurant would be freestanding from the hotel. Mr. Topp stated yes. It will be the current nightclub which will be replaced by the restaurant.

Ms. Joos expressed her concerns with the traffic and school buses going in and out from McDaniel Drive and the issue of having other hotels in the same location.

Exhibit

C

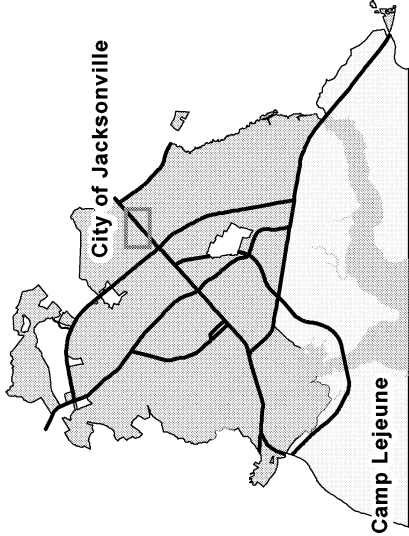
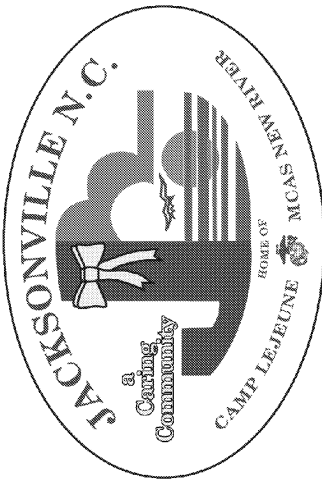
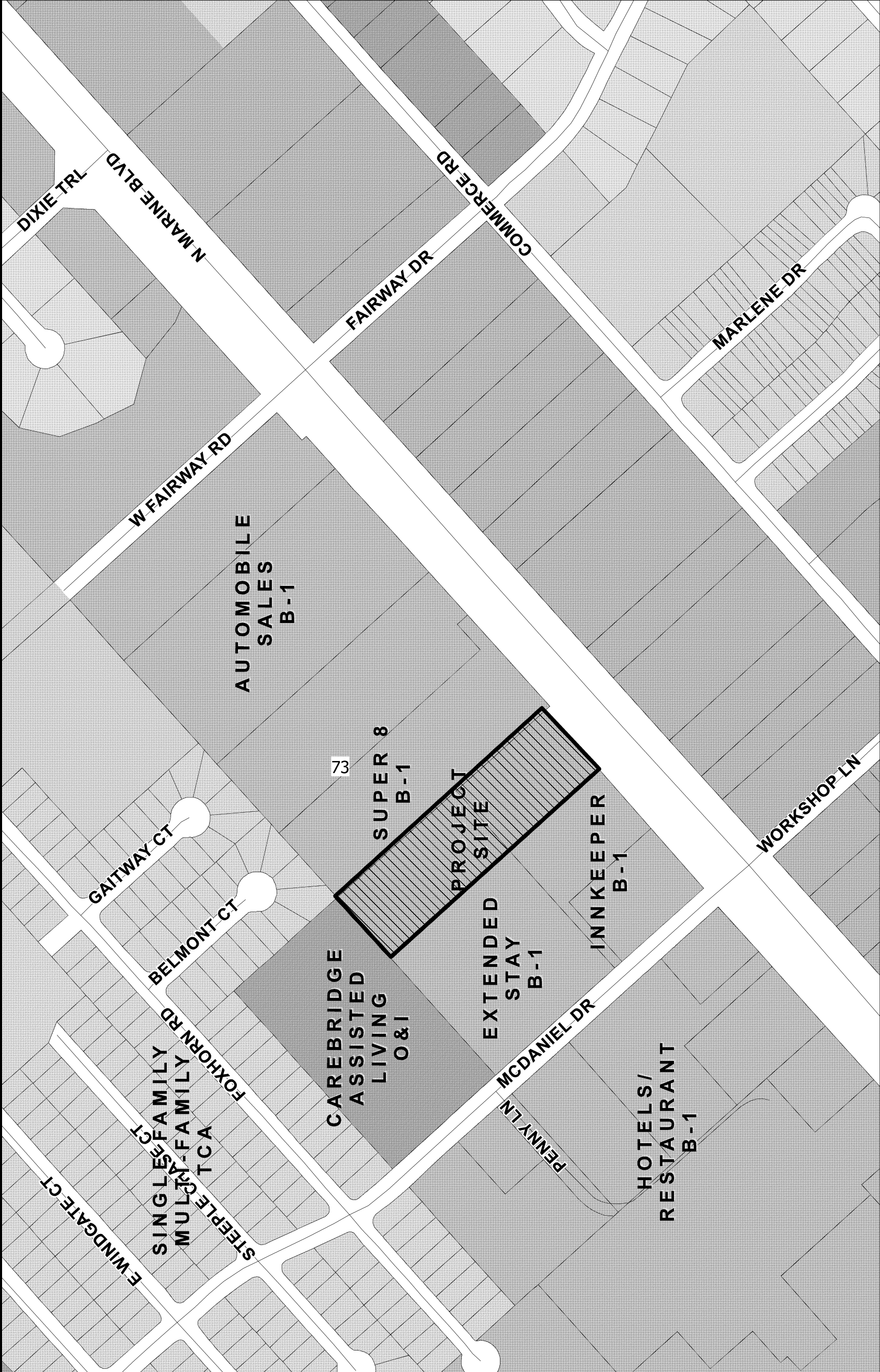
Chuck Quinn moved to approve the special use permit and site plan based on findings of fact A through G being found in the affirmative and with the conditions stated in the staff report . Thomasine Moore seconded the motion.

Mr. Spring stated his concerns with traffic congestion.

Mr. Keyes inquired about the retention pond for this development. Mr. King stated that there is a sand filter that will take care of the storm water.

The motion to approve the special use permit and site plan based on findings of fact A through G being found in the affirmative and with the conditions stated in the staff report was approved by the Board Members present. The motion was voted for by Alfred Keyes, Chuck Quinn, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos, and Thomasine Moore.

Mainstay Suites - 2201 N. Marine Blvd.



Legend

- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Exhibit

D



Vicinity Sketch

Map showing the location of the site relative to Piney Greeny Rd., Dime Ct., McDaniel Dr., and Western Blvd. The site is a hatched rectangular area located between Dime Ct. and McDaniel Dr. A north arrow is present in the bottom left corner.

[illegible]

NOTE: REPLACING OR OTHER CORRECTIONS SHALL BE LIMITED AND NO TYPING OR SIGNATURE SHALL BE REQUIRED FOR ANY CORRECTION

TO JACKSONVILLE COMPREHENSIVE RETIRED AND PENSIONER PLAN

[illegible]



Request for City Council Action

**Consent
Agenda
Item:** **5**
Date: 1/4/2011

Subject: Voluntary Annexation Petition – Delta Investors - Western Blvd. - 10.88 – Acre Tract

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

At the December 7, 2010 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from Parker and Associates on behalf of S. Douglas Padgett, Jr. This is a 10.88-acre tract that is contiguous to the current City limit boundaries. The site is located along Western Blvd across from Commons Drive North. This annexation includes the right-of-way portion of property dedicated to NCDOT for future Western Parkway.

A letter submitted with the petition indicates possible future development of the site as a commercial subdivision, including a 110 room hotel and 3 possible restaurants. However, no firm development plans have been submitted to the City at this time.

The City Clerk has conducted the required investigation and found as a fact that said petition is signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution has been prepared scheduling a Public Hearing on this annexation for the January 18, 2011 Meeting.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider the Resolution Scheduling Public Hearing

Recommendation

Staff recommends that Council move to adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Annexation Petition
- B Proposed Resolution
- C Letter Re: Future Development
- D Location Map



Staff Report

Consent
Agenda
Item:

5

Voluntary Annexation Petition Delta Investors - Western Blvd 10.88 – Acre Tract

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits. The site is located along Western Blvd across from Commons Drive North.

The site is proposed as a future site for commercial development, including the possibility of a 110 room hotel and 3 possible restaurants.

However, no firm development plans have been submitted to the City at this time

Procedural History

- December 7, 2010 – Council approved a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- January 4, 2011 – Council will consider a Resolution scheduling a Public Hearing.
- January 18, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- January 31, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- S. Douglas Padgett, Jr. - Property owner/petitioner
- Parker & Associates – Surveyors/Developers
- Citizens of Jacksonville
-

Staff has not been presented with any negative information related to the annexation and is unaware of any opponents to the petition at this time.

Options

- Pass the Resolution Scheduling the Public Hearing: **RECOMMENDED**
 - The site is contiguous to the current corporate limits and is proposed for future commercial development;

- Deny the Resolution Scheduling the Public Hearing:
 - This action would conflict with past actions associated with annexation of contiguous property proposed for development.
- Defer Consideration:
 - Should Council desire additional information related to this voluntary annexation request, defer the request and provide direction to staff on the specific information Council would like to receive.

CERTIFICATE OF SUFFICIENCY

DELTA INVESTORS - WESTERN BLVD 10.88 – ACRE TRACT

To: The City Council of the City of Jacksonville, North Carolina

I, Carmen K. Miracle, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Jacksonville, this 8th day of December, 2010.

Carmen K. Miracle, CMC
City Clerk

Parcel I.D. 345-9.18

Attachment

A

RESOLUTION (2010-)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
DELTA INVESTORS - WESTERN BLVD 10.88 – ACRE TRACT

WHEREAS, a petition requesting annexation of the area described herein has been received;
and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the
sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been
made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville,
North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein
will be held at City Hall at 7 o'clock, P.M. on the 18th day of January 2011.

Section 2. The area proposed for annexation is described as follows:

Douglas Padgett
Tract on Western Boulevard Extension
Jacksonville Township, Onslow County, NC

A certain tract of land on the South side of Western Boulevard Extension, NCSR 1470, 200 foot
Right-of-Way, near the intersection with Gateway North and being more particularly described as
follows:

Beginning at a point on the Southern Right-of-Way Line of Western Boulevard, said point being the
Northeast corner of the Douglas Padgett property as recorded in Deed Book 1401, Page 263 and as
shown as Tract 1 as recorded in Map Book 35, Page 117; **THENCE** from said point of beginning
and leaving said Right-of-Way Line, South 51 degrees 01 minutes 55 seconds West, 700.0 feet to a
point; thence North 38 degrees 58 minutes 05 seconds West, 635.0 feet to a point; thence North 51
degrees 01 minutes 55 seconds East, 100.0 feet to a point; thence along the arc of a curve having a
radius of 761.74 feet and curving to the left, 209.75 feet (chord North 43 degrees 08 minutes 37
seconds East, 209.09 feet) to a point; thence North 35 degrees 15 minutes 19 seconds East, 111.74
feet to a point; thence along the arc of a curve having a radius of 681.74 feet and curving to the right,
187.72 feet (chord North 43 degrees 08 minutes 37 seconds East, 187.13 feet) to a point; thence
North 51 degrees 01 minutes 55 seconds East, 100.0 feet to a point on the Southern Right-of-Way
Line of Western Boulevard; thence with said Right-of-Way Line, South 38 degrees 58 minutes 05
seconds East, 719.76 feet to the point and place of beginning.

The described tract contains 10.88 acres, more or less, and being that property as
recorded in Deed Book 1401, Page 263 and shown as Tract 1 as recorded in Map
Book 35, Page 117. All courses are referenced to North per Map Book 35, Page 117.
This description being prepared by Parker & Associates, Inc. from recorded
information and is for annexation purposes only.

Attachment

B

Section 3. Notice of said public hearing shall be published in the Daily News, a newspaper having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said public hearing.

Adopted by the Jacksonville City Council in regular session this 4th day of January, 2011.

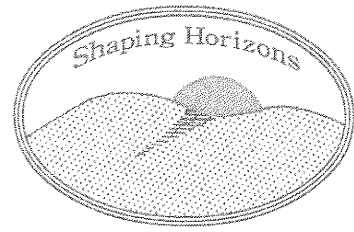
Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

PARKER & ASSOCIATES, INC.
Consulting Engineers - Land Surveyors - Land Planners

306 New Bridge Street + P.O. Box 976
Jacksonville, NC 28541-0976
(910) 455-2414 + Fax: (910) 455-3441
Firm License Number F-0108



Proposed Annexation
Tract 1 Delta Investors Inc.
Parcel 345-9.18
Western Boulevard

Owner:
S. Douglas Padgett, Jr.
P.O. Box 309
Jacksonville, NC 28540

Acreage: 10.88 Ac
Land Value: \$2,250,090.00

Without knowing exactly what business is planned for each lot, it would be difficult to supply a financial data sheet.

The possible development of this tract is for a 5 lot commercial subdivision. One (1) lot being a storm water pond, one (1) lot being a 110 room hotel, and three (3) lots possibly being restaurants. All lots would be served by a private drive.

Each lot will have a water & sewer service line that connects to the existing lines along Western Boulevard.



Lori B. Morris, Staff Planner

Attachment

C

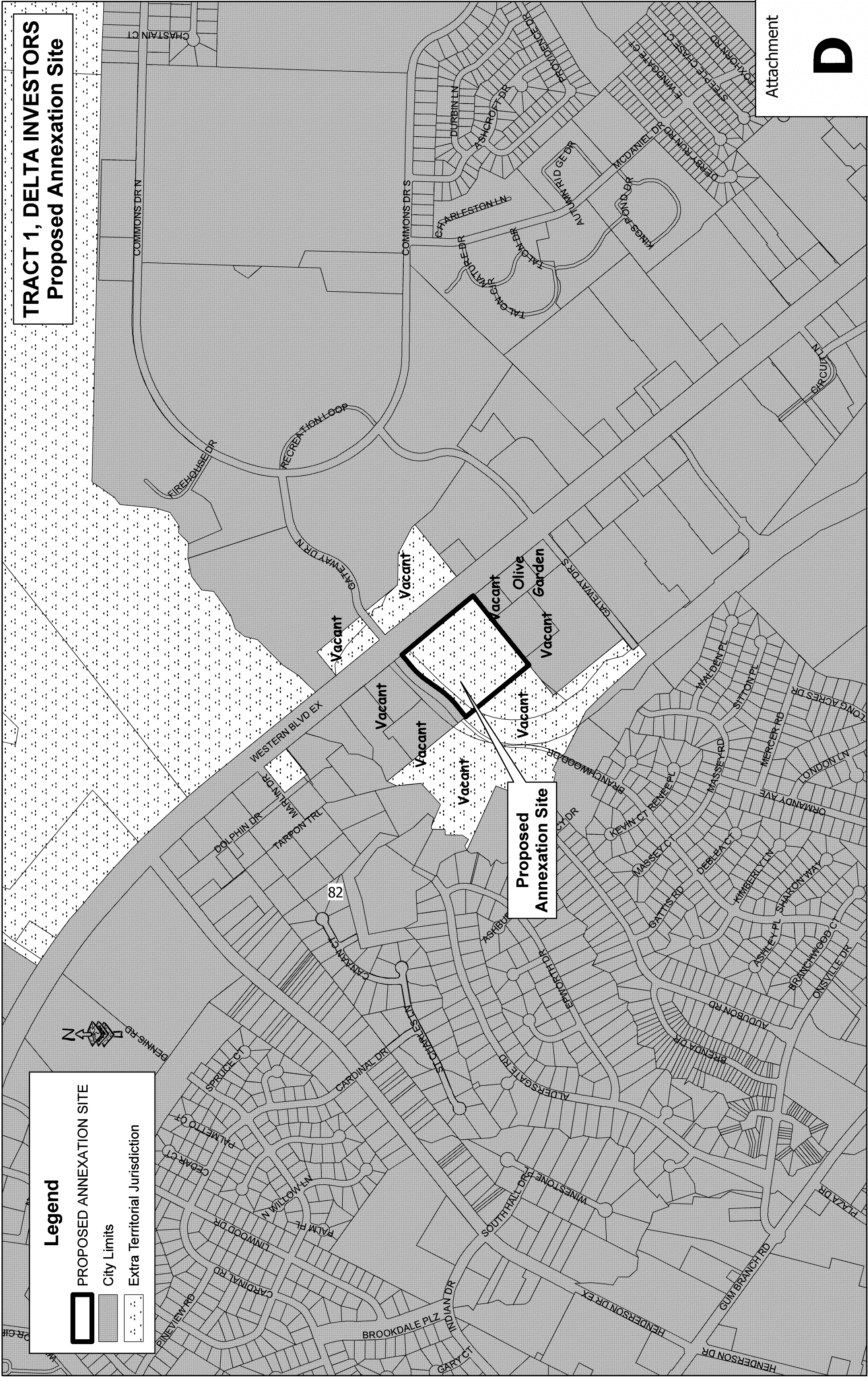
EMAIL ADDRESS: TEXT MESSAGES TO: paitech@bizec.rr.com MAPS AND PLANS TO: paidraft@bizec.rr.com

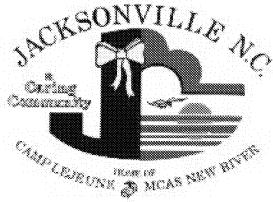
+ ENVIRONMENTAL ENGINEERING + STORMWATER, WATER AND WASTEWATER SYSTEMS
+ FEASIBILITY AND DEVELOPMENT CONSULTING + GLOBAL POSITIONING SURVEYS + SUBDIVISION AND CONSTRUCTION PLANS

TRACT 1, DELTA INVESTORS
Proposed Annexation Site

Attachment

D





Request for City Council Action

**Consent
Agenda
Item:** **6**
Date: 1/4/2011

Subject: Request for Extension of Sewer Allocation for The Legacy at Carolina Forest

Department: Public Services

Presented by: Wally Hansen, Infrastructure and Capital Projects Manager

Presentation: No

Issue Statement

Blue Ridge Companies has submitted a request for an additional twelve month extension for 68,400 gallons per day of sewer allocation granted to The Legacy at Carolina Forest. According to the applicant, the company experienced several challenges in securing capital to proceed with the project as a result of the recent economic downturn.

Staff has reviewed the extension request and has determined that it complies with the adopted Sewer Allocation Policy.

Financial Impact

None

Action Needed

Consideration on the sewer allocation extension request for this project.

Recommendation

Staff recommends that City Council move to approve the twelve month extension of sewer allocation for The Legacy at Carolina Forest

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Applicant's Request Letter
- B Approved Site Plan



Staff Report

**Consent
Agenda
Item:**

6

Request for Extension of Sewer Allocation for The Legacy at Carolina Forest

Introduction

Blue Ridge Companies has submitted a request for an additional twelve month extension for sewer allocation originally granted to The Legacy at Carolina Forest. According to the applicant it has been difficult to secure funding for a project of this size in the current economic climate.

This project was originally granted allocation under the Sewer Allocation Policy in effect while the City was under the Special Order by Consent (SOC). The City is no longer under the SOC and a new Sewer Allocation Policy has been adopted. Under the new policy City Council may consider extensions for developments with valid plans in 12 month increments. Staff has reviewed this request and has found that it is in accordance with the adopted Sewer Allocation Policy. If this request is approved, a total of 68,400 gpd of sewer allocation will continue to be reserved from the Apartment Category.

Procedural History

- On October 13, 2008 the Planning Board recommended approval of the Conditional Use Permit.
- On December 2, 2008 City Council conducted a public hearing and approved the Special Use Permit and Site Plan request.
- On December 2, 2008 City Council approved an Initial Allocation of 23,040 gpd with a Provisional Allocation of 23,040 gpd.
- On August 5, 2009 City Council voted to defer action on a request for sewer allocation to serve an additional 72 units of this development
- On September 8, 2009 City Council approved a one-time reservation for sewer allocation of 17,280 gallons per day (gpd) to serve 72 additional units.
- On December 8, 2009 City Council granted a twelve month extension of the 68,400 gpd of sewer reserved for the Legacy at Carolina Forest.
- On January 4, 2011 City Council will consider a second twelve month extension of the 68,400 gpd of sewer reserved for the Legacy at Carolina Forest.

Stakeholders

- Blue Ridge Companies
- Citizens of Jacksonville

Options

1. Approve the extension request for sewer flow allocation. **RECOMMENDED**
Pros: The developer would continue to have allocation sufficient to serve the 264 units of this multi-family development.
Cons: Continuing to reserve this allocation would tie up allocation that could be used for other projects.
2. Deny the sewer allocation extension request.
Pros: Allocation would be made available for other developments.
Cons: The developer would not receive allocation for the construction of this project and would probably lose financing for this project.
3. Defer action on the sewer allocation request.
Pros: None
Cons: The developer would not receive allocation for the construction of this project.



December 1, 2010

Mr. Wally Hansen
Infrastructure Capital Projects Manager
City of Jacksonville, North Carolina
PO Box 128
815 New Bridge Street
Jacksonville, NC 28540

Re: Sewer Capacity Allocation Extension Request -- The Legacy at Carolina Forest Multifamily Community

Dear Mr. Hansen:

Blue Ridge Companies, Inc. and BRC Jax Carolina Forest, LLC was previously awarded sewer capacity allocation for our planned 528-unit Legacy at Carolina Forest multifamily community to be located on Carolina Forest Boulevard. Approval was received from Jacksonville City Council granting BRC Jax Carolina Forest, LLC 68,400 gallons per day of sewer capacity allocation to support our initial phase of 264 units, as follows:

Phase I Allocation - 96 Units:	30 1-Bedroom units @ 240 GPD =	7,200 GPD
	48 2-Bedroom units @ 240 GPD =	11,520 GPD
	18 3-Bedroom units @ 360 GPD =	<u>6,480 GPD</u>
	Total Flow =	25,200 GPD

Phase II Allocation - 96 Units:	36 1-Bedroom units @ 240 GPD =	8,640 GPD
	48 2-Bedroom units @ 240 GPD =	11,520 GPD
	12 3-Bedroom units @ 360 GPD =	<u>4,320 GPD</u>
	Total Allocation Approved December 2, 2008 =	24,480 GPD

Phase III Allocation - 72 Units:	24 1-Bedroom units @ 240 GPD =	5,760 GPD
	36 2-Bedroom units @ 240 GPD =	8,640 GPD
	12 3-Bedroom units @ 360 GPD =	<u>4,320 GPD</u>
	Total Allocation Approved September 8, 2009 =	<u>18,720 GPD</u>

264 Units Total Combined Allocation Approved = 68,400 GPD

The Legacy at Carolina Forest will be an upscale apartment community, with an expanded clubhouse plan, swimming pool, garages, and enhanced landscaping and recreational areas, all designed to meet the needs and demands of the Jacksonville market. The planned 528-unit community will be developed in two (2) phases of 264 units each. Our Phase I site plan containing 264 units was approved by the Jacksonville City Council on December 2, 2008 along with the above-described sewer capacity allocation, and was updated and extended by Council action on September 8, 2009. **The purpose of this letter is to request that Jacksonville City Council extend this sewer capacity allocation of 68,400 gallons per day as originally approved. Please submit this request to Jacksonville City Council for approval at their December 2010 meeting.**

Attachment

A

As we discussed, BRC Jax Carolina Forest, LLC is planning to proceed with the development of the entire 264-unit first phase of the Legacy at Carolina Forest apartment community, and anticipates commencing construction of the improvements in 2011. BRC Jax Carolina Forest, LLC has already commenced construction of initial site work for this 264-unit Phase I development. Full development of the apartment community has been delayed to date due to the slowdown in the economy and lending markets which has made financing of a development the scale of The Legacy at Carolina Forest increasingly difficult since Fall of 2008. We have found lenders to be more selective and have more stringent lending criteria. As a result, our efforts have been focused on raising the necessary capital to proceed with development in 2011.

Please accept this letter as BRC Jax Carolina Forest, LLC's request for a 12-month extension of the sewer capacity allocation of 68,400 gallons per day as previously approved to serve the initial 264-unit Phase of the apartment community.

Please contact me if you have questions or need additional information. Thank you for your assistance in this matter.

Best regards.

Sincerely,



David M. Hampton
Director of Real Estate, Blue Ridge Companies, Inc.
Manager, BRC Jax Carolina Forest, LLC
5826 Samet Drive, Suite 105
High Point, NC 27265
(336) 215-6238
dhampton@blueridgecompanies.com





Request for City Council Action

**Consent
Agenda
Item:**
Date:

7

1/4/2011

Subject: Request for Sewer Flow Allocation – Glenstal Apartments
Departments: Public Services
Presented by: Wally Hansen, Infrastructure & Capital Projects Manager
Presentation: No

Issue Statement

East Carolina Community Development, Inc. has submitted a request for sewer allocation to serve a 56-unit apartment complex approved for the corner of Western Boulevard and Arlington Meadows Drive. This request is for sewer allocation totaling 13,440 gpd to serve this project.

Staff has reviewed this request and has determined that it complies with the adopted Sewer Flow Allocation Policy.

Financial Impact

None

Action Needed

Consideration of the Sewer Flow Allocation Request

Recommendation

Staff recommends Council move to approve this request

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Approved Site Plan



Staff Report

**Consent
Agenda
Item:**

7

Request for Sewer Flow Allocation – Glenstal Apartments

Introduction

Mr. Mark McCloskey, on behalf of East Carolina Community Development, Inc., has submitted a request for sewer allocation for a 56-unit apartment complex approved for the corner of Western Boulevard and Arlington Meadows Drive. This request asks Council to reserve allocation totaling 13,440 gpd which will serve 28 one-bedroom and 28 two-bedroom apartment units.

Procedural History

- On April 13, 2009, Planning Board voted to recommend approval of the Special Use Permit.
- On May 5, 2009, City Council held a public hearing and approved the Special Use Permit for the 56-unit apartment complex.
- On November 8, 2010, Planning Board recommended approval of the site plan.
- On November 16, 2010, City Council approved the site plan request for Glenstal Apartments.

Sewer Flow Allocation Assessment

The intent of the Sewer Allocation Policy is to manage limited capacity; plan for the future; allocate sewer in a fair and equitable manner; and incentivize infill development. The policy establishes development priorities through a tiered system. Tier 1 projects are the highest priority which includes infill developments, previously approved development, and municipal projects. Second tier (Tier 2) projects include developments that have met City application requirements and Tier 3 projects are speculative in nature.

Allocation may be reserved for four distinct categories; however, the method by which it is reserved varies by Tier. For example, allocation for most Tier 1 projects can be granted by staff; Tier 2 projects follow the development approval process; and Tier 3 projects require a reservation fee and sketch plan approved by Council. The four categories by which allocation may be reserved are Single-Family Residential, Multi-Family Residential, Commercial, and Discretionary. Projects in the Multi-Family Residential Category are

eligible for two phases of development with a maximum allocation of 57,600 gpd (the equivalent of 240 two-bedroom units) per phase.

Once sewer allocation has been granted for Tier 1 and Tier 2 projects, the applicant has 18 months to use the allocation regardless of the category. Allocation that has not been used within this period automatically reverts to the City; however, the proposed policy allows staff to grant a 6 month extension if the delay is a result of factors beyond the applicant's control. Any subsequent extensions must be granted by City Council.

East Carolina Community Development, Inc has submitted a request for sewer flow allocation totaling 13,440 gpd (gallons per day) to serve 56 units. The developer has requested a combination of one and two bedroom apartments as approved on the site plan. Staff has reviewed the sewer allocation request and has determined that it complies with the adopted sewer allocation policy.

Stakeholders

- East Carolina Community Development, Inc Citizens of Jacksonville
- Citizens of Jacksonville

Options

1. Approve the extension request for sewer flow allocation. **RECOMMENDED**

Pros: The developer would receive sewer allocation sufficient to serve the 56 units of this multi-family development.

Cons: Approving this allocation will tie up allocation that could be used for other projects.

2. Deny the sewer allocation extension request.

Pros: Allocation would be available for other developments.

Cons: The developer would not receive allocation for the construction of this project and would likely lose financing for this project.

3. Defer action on the sewer allocation request.

Pros: None

Cons: The developer would not receive allocation for the construction of this project.



Jeremy L. Fireline, PE
#037020

Site Dimension Plan

Glenstal Apartments
Jacksonville, NC

668 Midway Road SE
Bolivia, North Carolina 28422
Tele: 910.253.9515 Fax: 910.253.9386
Electronic Mail: hbc@hburkert.com
Website: www.hburkert.com

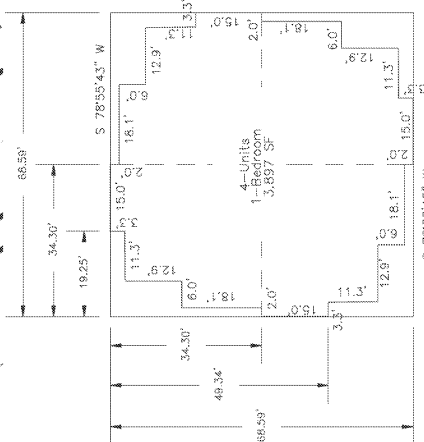
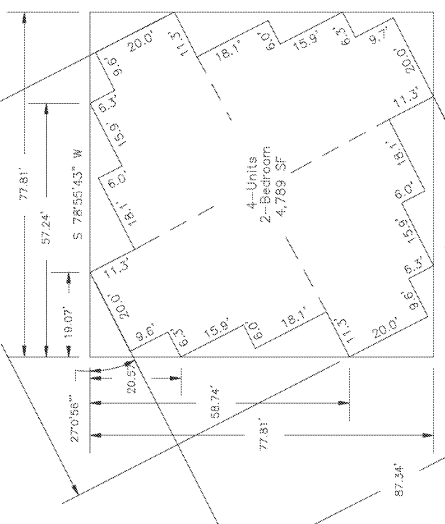
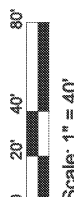
Reproduction of this sheet, in whole or in part, is strictly prohibited without the express written permission of the Landscape Architect. Use of plans for construction of duplicated sites and details must be approved by Landscape Architect. Plans not valid for construction without appropriate professional seal. Not responsible for constructed variations from the information depicted.

No.		Revision For	Date	By	Designer	Scale	" " : " 40'
					Drawn By	Date	03-01-10
					Checked By	File	HBC CIVIL TEMPLATE

NOTES:
1) ALL SIDEWALKS, NEW OR EXISTING ALONG THE PROJECT FRONTAGE, SHALL BE FREE OF CRACKS, BREAKS, OR ANY OTHER DEFECT PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY.

Scale: 1" = 40'

NOTE:
ORIGINAL DRAWING: 24x36
SCALE ACCORDINGLY



Scale: 1" = 20'

Scale: 1" = 20'



Request for City Council Action

**Consent
Agenda
Item:** **8**
Date: 1/4/2011

Subject: Department of Transportation Mowing Agreement

Department: Recreation and Parks

Presented by: Michael Liquori, Parks Superintendent

Presentation: No

Issue Statement

The Recreation and Parks Department has been mowing Western Boulevard Extension from Highway 17 to Gateway North since July, 2010. Staff is requesting Council to approve the Mowing Agreement with North Carolina Department of Transportation (NCDOT) which will allow the City to receive reimbursement for the mowing of Western Boulevard Extension and to amend the Recreation and Parks Department budget to appropriate the funds received from NCDOT.

Financial Impact

The Recreation and Parks Department FY2011 budget will be increased by \$960 to partially cover the costs of the mowing of the NCDOT right-of-way on Western Boulevard.

Action Needed

Review and consider the recommendations

Recommendation

Staff recommends that Council move to authorize the City Manager or his representative to sign the NCDOT Mowing Agreement and to approve the Budget Amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A NCDOT Mowing Agreement
- B Budget Amendment

NORTH CAROLINA
ONslow COUNTY

September 13, 2010

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

MOWING AGREEMENT
WBS: 3.206715

AND

CITY OF JACKSONVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City of Jacksonville, hereinafter referred to as the Municipality;

WITNESSETH:

WHEREAS, the Department has requested the Municipality to perform "routine" mowing of vegetation with the State Highway System right of ways of secondary and some primary roads.

WHEREAS, the Municipality has agreed to perform said mowing subject to the conditions hereinafter set forth.

NOW THEREFORE, the parties hereto, each in consideration of the promises and the undertaking of the other as herein provided do hereby covenant and agree, each with the other as follows:

1. The Municipality, and or its contractor, shall provide the equipment, labor, materials, and traffic controls to perform said mowing services for locations shown on Exhibit "B". All work shall be performed in accordance with generally accepted horticultural practices, Departmental standards and specifications and the attached Exhibit "A".

2. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by GS 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at:
<https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(A) No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.

(B) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

Attachment

A

3. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

4. The Municipality shall complete the routine mowing cycles which include at least the road shoulders, as well as the ditch and backslope areas. The Municipality shall complete a minimum of four (4) mowing cycles for the remainder of this current mowing season.

5. This Agreement shall remain in effect until December 31, 2010, beginning upon full execution of this Agreement by the Department.

6. The Department shall reimburse the Municipality for a maximum of four routine mowing cycles for the remainder of this current mowing season. The allowable reimbursement for this Agreement is estimated to be \$960.00.

7. Reimbursement shall be made upon completion of this mowing cycle. The Municipality shall submit an itemized invoice to the Department upon completion of this mowing cycle. Reimbursement shall be made upon approval of said invoice by the Department's Division Engineer and Financial Management Division.

8. The Municipality , and or its agent, shall maintain adequate records and documentation to support the work performed under this agreement and shall permit free access to its records by official representatives of the State of North Carolina. Furthermore, the Municipality , or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the final audit by the Department.

9. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S.

ATTEST:

CITY OF JACKSONVILLE

BY: _____

BY: _____

TITLE: _____

DATE: _____

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

SEAL

Federal Tax Identification Number:

City of Jacksonville

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINISTRATOR

DATE: _____

Presented to Board of Transportation Item O: _____
(date)

EXHIBIT “A”

DEFINITIONS:

“Routine Mowing” – The area to be mowed along each roadway shall be in conformance with previously established mowing patterns. Typical mowing patterns are attached. Generally, the area to be mowed is from the travelway to the shoulder point and one “swath” beyond in fill sections and from the travelway to the ditch line and one “swath” beyond in cut sections. A “swath” is the width of cut for the mower being used and shall be a minimum of 5 feet. Routine mowing also includes the mowing of sight distance areas at intersections, interchanges, along curves, and sight distance at signs on freeways.

On divided highways, mowing in the median shall be performed in accordance with the established mowing patterns.

“Clean-Up” Mowing – Mowing within the right of way which includes the area established for “routine” mowing extends beyond these limits generally to the right of way line or to established mowing patterns. The areas included are shown on the typical mowing patterns included elsewhere in this proposal. Clean-up mowing includes the mowing of sight distance areas at intersections, interchanges, and along curves. On divided highways, mowing in the median shall be performed in accordance with established mowing patterns.

“Additional” Mowing – Any mowing required to be done which is not part of routine or clean-up mowing. Additional mowing will be performed only when and as directed by the Engineer.

PROJECT SPECIAL PROVISIONS

Mowing Height for this contract shall be four (4) inches.

GENERAL INFORMATION:

Policy – It is the policy of the North Carolina Department of Transportation to maintain State Highway system roadsides in a pleasing and safe condition commensurate with the function and service rendered by individual highway segments. It is intended that grass height within established mowing zones will be maintained between the height shown in the Project Special Provisions and eighteen (18) inches along interstate, primary, major paved secondary, and urban routes. Along minor paved and unpaved secondary routes, grass heights may exceed eighteen (18) inches for varying periods of time; however, safe sight distances will be maintained.

Growth Regulators/Retardants – The City’s attention is direct to the fact that the Department may elect to use growth regulators/retardants on some sections of roadway. These sections will be identified to the prospective bidders at the Pre-Bid Conference. Generally, the need for mowing of these sections will be reduced during the mowing season. No payment will be made for mowing these sections unless mowing is specifically authorized by the Engineer.

“Routine” Mowing – The mowing pattern along each roadway shall be determined by the Engineer. Typical mowing patterns are attached.

“Clean-Up” Mowing – Mowing within the right of way which includes the area established for “routine” mowing and extends beyond these limits generally to the right of way line or to established mowing patterns. The areas included are shown on the typical mowing patterns that are attached.

Clean-up mowing includes the mowing of sight distance areas at intersections, interchanges, and along curves. On divided highways, mowing in the median shall be performed in accordance with established mowing patterns.

Equipment – The City must demonstrate to the satisfaction of the Engineer that the mowing equipment to be used in the work is in good working condition and suitable for performing the work required. Mowers shall consist of a tractor equipped with rear mounted rotary or flail mower and a side mounted rotary, flail, or sickle mower. When used in combination, the mowers shall overlap. Rear mounted mowers shall be a minimum of 60” wide.

Mowers are to be equipped with shields which preclude foreign objects from being thrown out from the cutting unit enclosures. Tractors shall be equipped so as to conform to the prevailing Occupational Safety Health Act Standards. Tractors shall also be equipped with a minimum of two outside blinking amber lights, visible from both directions and one top of cab mounted amber rotating light, visible from both directions. The City must furnish, mount, and maintain a “Caution Mower” sign or a “caution” sign on the rear of each mower. In addition, the City shall display his company name on each tractor.

Signing – The City will furnish and erect “Mowing Ahead” signs which are to be kept appropriately spaced. The Engineer will determine the specific requirements for signing. A detail for the “Grass Mowing Ahead” sign is attached.

Hours of Work – The City’s operations will be restricted to daylight hours and no work may be performed on Sundays and legal State holidays unless otherwise approved by the Engineer. Work shall only be performed when visibility conditions allow safe operations.

ENGINEER:

Engineer – The Engineer for this project shall be the Division Engineer, Division of Highways, North Carolina Department of Transportation, for the Division in which the project is located, acting directly or through his duly authorized representatives.

Authority – The Engineer will decide all questions which may arise as to the quality and acceptability of work performed and as to the rate of progress of the work; all questions which may arise as to the interpretation of the contract; and all questions as to the acceptable fulfillment of the contract on the part of the City. He shall have the authority to alter mowing priorities in order to address special needs of the Department. His decision shall be final and he shall have executive authority to enforce and make effective such decisions and orders if the City fails to carry out promptly.

Public Liability and Property Damage – The City shall take out and maintain during the life of this contract such public Liability and Property Damage Insurance as shall protect him and subcontractors performing work covered by this contract from claims for damage for property damages which may arise from operations under this contract. Whether such operations are done by himself or by a subcontractor, or by anyone directly or indirectly employed by either of them and the amounts of such insurance shall be as follows:

Public Liability Insurance in an amount not less than \$150,000 for injuries, including accidental death to any one person, and subject to the same limit for each person, in an amount not less than \$300,000 on account of one accident, and Property Damage Insurance in an amount not less than \$150,000.

Proof of insurance, as described above, shall be furnished to the Engineer prior to beginning work.

Supervision – At all times that work is actually being performed, the City shall have available on the project one competent individual who has been authorized to act in a supervisory capacity over all work. The individual who has been so authorized shall be experienced in the type of work being performed and is to be fully capable of managing, directing, and coordinating the work; of reading and thoroughly understanding the contract; and of receiving and carrying out directions from the Engineer or his authorized representative.

Prosecution of Work – The City will be notified by the Engineer as to when to begin operations for each cycle or portion thereof and for any additional mowing, the City shall begin work within five (5) working days after being notified. Any work performed prior to the time of notification by the engineer will not be included in any payment to the City. The City will be required to prosecute the work in a continuous and uninterrupted manner.

Operation of Equipment – The City shall operate the equipment in a safe manner so as not to create a hazard to the traveling public. Insofar as possible, the tractor wheels are to remain off the travelway during mowing operations. The equipment shall not be parked within the State Highway System right of way overnight or at other times when work has been suspended, unless approved by the Engineer.

Responsibility for Damage Claims – The City shall indemnify and save harmless the Department of Transportation and its officers, agents, and employees from all suits, actions or claims by any character brought for any injury or damages received or sustained by any person, persons, or property by reason of any act of the City, its agents or employees, in the performing of the contract.

Protection and Restoration of Property – The City shall be responsible for the protection from his activities of all public and private property on and adjacent to the work and shall use every reasonable precaution necessary to prevent damage or injury thereto. He shall use suitable precautions to prevent damage to pipes, conduits, and other underground structures, and to poles, wires, cables, and other overhead structures.

The City shall conduct his operations so as to prevent damage to roadway delineators and signs. Should any essential sign (YIELD, ONE WAY, etc.) suffer more than minor damage, the Engineer, or his representative, shall be notified no later than the end of that working day. Damage to STOP signs shall be reported immediately. Such signs will be repaired or replaced by the Department at the City's expense. Damage to other signs, delineators, etc. may be repaired or replaced by the City subject to approval by the Engineer or they may be repaired or replaced by the Department at the City's expense.

The City shall protect carefully from disturbance or damage all land monuments and property markers.

The City shall be responsible for the removal, preservation, and resetting of all mail boxes disturbed by the mowing operations. The mail boxes and their supports, when reset, shall be left in as good a condition as they were prior to the mowing operation.

The City will be held responsible for all damage or injury to property of any character resulting from any act, omission, negligence, or misconduct in the prosecution of the work. When any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, negligence, or misconduct in the execution of the work, he shall either restore at his own expense such property to a condition similar or equal to that existing before such damage or injury was done, or shall make good such damage or injury in a manner acceptable to the owner of the damaged property and to the Department. In case of failure on the part of the City to restore such property or make good such damage or injury the Department may at the City's expense repair, rebuild, or otherwise restore such property in such manner as the Engineer may consider necessary.

DEFAULT TO CONTRACT:

Declaration of Default – The Department shall have the right to declare a default of contract for breach by the City of any material term or condition of the contract. Material breach by the City shall include, but specifically shall not be limited to, failure to begin work under the contract within the time specified; failure to provide workmen or equipment adequate to perform the work; unsatisfactory performance of the work, or failure to maintain satisfactory work progress.

Sanctions – In the event of a breach of the contract by the City, the Department shall have the right, power and authority, in its sole discretion, without violating the contract or releasing the surety; to perform the work or any part thereof with Department personnel and equipment; to re-let the work upon such terms and conditions as the Department shall deem appropriate; to employ any other methods that it may determine are required for completion of the contract in an acceptable manner; and to withhold any sums due the City under the contract without penalty or interest until the work is completed.

Notice – Before invoking any of the sanctions provided for herein, the Department, acting through the Engineer, will give the City at least seven (7) days written notice with a copy to the surety, which will set forth the breach of contract involved and the sanctions to be imposed. The Department, in its discretion, may grant the City time in excess of seven (7) days within which to comply with the contract terms and the time allowed will be set forth in writing. If the Department determines during such period that the City is not proceeding satisfactorily to compliance, it may impose the sanction after twenty-four (24) hours notice to the City. If the Department determines that the City is not in compliance at the end of the time allowed, it may immediately impose any of the sanctions set forth herein and will advise the City, in Writing, with a copy to the surety of the sanctions imposed.

Payment – After declaration of default, the City will be entitled to receive payment for work satisfactorily completed, less any sums that may be due the Department from the City. The Department, at its election, may retain the sum due the City, or any portion thereof, without interest or penalty, until the contract work is completed; or it may make payment to the City upon declaration of default for work satisfactorily completed to the date that notice of default is received by the City. Determination of the method of payment shall be in the sole discretion of the Engineer, and he will advise the City, in writing, of his determination with reference to the specific type of work or service to be performed.

If all costs or expenses incurred by the Department arising out of the breach and imposition of sanctions, together with the total cost to the Department of securing the performance of the work set forth in the contract, exceed the sum that would have been payable under the contract, the City and the Surety shall be liable to the Department for such excess and shall pay such amount to the Department.

Authority of Engineer – The Engineer will exercise the powers and discretion vested in him by the contract conditions in carrying out the term of this article. He will have full power and authority to carry out any orders, directives, or resolutions issued by the Department in connection with a declaration of default. In the event that the Department fails to specify the sanctions to be imposed, the notice to be given, or the method of completing the work, the Engineer may, in his discretion, impose such sanctions, give such notice, and select such methods of completing the work, as are authorized by this article, and such actions shall have the same effect and validity as if taken pursuant to an express order, directive, or resolution of the Department.

Obligations of City and Surety – No term or terms of this article and no action taken pursuant hereto by the Department of Transportation, its agent, or employees, will be construed to release or discharge the City or the Surety upon the obligation set forth in the contract bonds, and the City and the Surety shall remain bound thereon unto the Department until the work set forth in the contract has been completed and accepted by the Department and all obligations of the City and the Surety arising under the contract and contract bond have been discharged.

INSPECTION, ACCEPTANCE, MEASUREMENT, AND PAYMENT

Inspection – All work shall be subject to inspection by the Engineer at any time. Routinely, the Engineer will make periodic inspections of the completed work. It will be the responsibility of the City to keep the Engineer informed of his proposed work plan and to submit written reports of work accomplished on a frequency to be determined by the Engineer.

Basis of Acceptance – It is intended that the work will be completed in a neat, workmanlike manner. Gapped or rolled down, uncut areas will not be considered acceptable. Vegetation around structures, delineators, mail boxes, guardrail and sign posts shall be mowed to provide a neat appearance; however, the City will not be required to perform hand trimming.

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 General Fund and Phillips Park project budget is hereby enacted:

GENERAL FUND

REVENUES	BUDGET	CHANGE	TOTAL
NCDOT Mowing	-	960	960
TOTAL ADJUSTMENTS		960	
TOTAL PROJECT REVENUES	44,927,340	960	44,928,300

EXPENDITURES	BUDGET	CHANGE	TOTAL
RECREATION-PARKS	1,579,541	960	1,580,501
TOTAL ADJUSTMENTS		960	
TOTAL FUND EXPENDITURES	44,927,340	960	44,928,300

The purpose of this budget amendment is to appropriate anticipated revenue from NCDOT per the mowing contract to fund overtime in the Parks budget.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 4th day of January 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B



Request for City Council Action

**Consent
Agenda
Item:** 9
Date: 1/4/2011

Subject: Tax Releases, Refunds, and Write-Offs

Department: Finance

Presented by: Adah M. Roberts, Finance Director

Presentation: No

Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$71,145.41, \$2,416.37, and \$94.65 (\$73,656.43).

Action Needed

Review the tax releases, refunds and write-offs.

Recommendation

Staff recommends that Council move to approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Tax Releases, Refunds, and Write-offs



Staff Report

Consent
Agenda
Item:

9

Tax Releases, Refunds, and Write-Offs

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$71,145.41, \$2,416.37, and \$94.65 (\$73,656.43).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.

Lionell Midgett



1734

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TAX RELEASE SUMMARY
OCTOBER 2010

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	63,249.89	10.57	63,260.46	11,756,485.13
2009	101-0000-111-1000	0.006260	7,507.97	2.00	7,509.97	1,199,356.23
2008	101-0000-111-1000	0.006260	319.09		319.09	50,972.84
2007	101-0000-111-1000	0.006260			-	-
2006	101-0000-111-1000	0.005316	55.89		55.89	10,513.54
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900		-	-	-
2003	101-0000-111-1000	0.005900		-	-	-
2002	101-0000-111-1000	0.005900			-	-
2001	101-0000-111-1000	0.005900		-	-	-
2000	101-0000-111-1000	0.005900			-	-

TOTAL	<u>71,132.84</u>	<u>12.57</u>	<u>71,145.41</u>	<u>13,017,327.75</u>
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'00-09	7,884.95
2010	63,260.46

TAX REFUND SUMMARY

OCTOBER 2010

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2010	101-0000-311-0000	0.005380	403.16	-	2.03	405.19	74,936.80
2009	101-5000-412-2000	0.006260	1,187.02	-	29.44	1,216.46	189,619.81
2008	101-5000-412-2000	0.006260	517.58	-	19.94	537.52	82,680.51
2007	101-5000-412-2000	0.006260	187.87	-	8.77	196.64	30,011.18
2006	101-5000-412-2000	0.005316	60.56	-	-	60.56	10,264.41
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
2000	101-5000-412-2000	0.005900	-	-	-	-	-
TOTAL			2,356.19	-	60.18	2,416.37	387,512.71

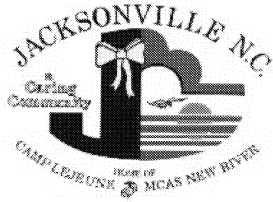
TAX WRITE-OFF SUMMARY

OCTOBER 2010

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	94.18	-	94.18	17,505.58
2009	101-0000-111-1000	0.006260	0.47	-	0.47	75.08
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.006260	-	-	-	-
2006	101-0000-111-1000	0.005316	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
2000	101-0000-111-1000	0.005900	-	-	-	-

TOTAL	94.65	-	94.65	17,580.66
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'2000-2009	0.47
2010	94.18



Request for City Council Action

**Consent
Agenda
Item:** **10**
Date: 1/4/2011

Subject: Approve Purchase of Street Sweeper and Budget Amendment

Department: Streets/Public Services

Presented by: Johnny Stiltner, Streets Superintendent

Presentation: No

Issue Statement

The City currently has three Street Sweepers with a goal of obtaining a fourth sweeper. Two of the three are accumulating years of service (nine and eight years old, respectfully). Both have experienced major maintenance problems and are constantly in and out of our maintenance shop.

The Streets Division is seeking the purchase of a new Regenerative Air Street Sweeper which will increase the total in the fleet to four. Street sweepers are critical pieces of equipment which are necessary to accomplish the Street's Division Mission. With the high demand on them and the need for maximum availability, it is necessary to increase the number in the fleet.

The street sweepers support the City's Goal #6 of providing improved service to our residents and at the same time improving the water quality of stormwater leaving City streets by reducing the sedimentation that enters our waterways.

Financial Impact

This amendment appropriates Stormwater fund balance in the amount of \$172,475, which will cover the cost of the sweeper, and all associated fees, maintenance and fuel for the remainder of the fiscal year.

Action Needed

Consider Budget Amendment.

Recommendation

Staff recommends that Council move to approve the immediate purchase of a new sweeper and the proposed Budget Amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Budget Amendment



Staff Report

**Consent
Agenda
Item: 10**

Approve Purchase of Street Sweeper and Budget Amendment -

Introduction

The Streets Division is seeking the purchase of a new Regenerative Air Street Sweeper. A budget amendment in the amount of \$172,475 would have to be approved.

This street sweeper supports the City's current goals and objectives of providing improved service to our residents and at the same time improving the water quality of stormwater leaving City streets by reducing the sedimentation that enters our waterways.

The City currently has three Street Sweepers with a goal of obtaining a fourth sweeper. Two of the three are accumulating years of service and continued maintenance problems. One of the two is nine years old and the other is eight years old. Both have experienced major maintenance problems and each has been in our maintenance shop over 100 days each this past 15 months of service. The third sweeper is only one year old. Due to the major maintenance problems of the nine year old sweeper and continued maintenance malfunctions of the eight (8) year old sweeper as well, we have fallen behind in leaf collection and cleaning of the drains. In addition, we have increased the frequency of street sweeping at major intersections and along main routes as part of the "Clean and Green Program". Street sweepers are critical pieces of equipment which are necessary to accomplish the Street's Division Mission. With the high demand on them and the need for maximum availability, it is necessary to increase the number in the fleet from three to four.

Procedural History

On December 14, 2010 the City received a Contracting Pricing quote from Houston-Galveston Area Council of Governments Competitive Purchasing Cooperative (HGACBuy) of \$153,950. Other attempts were made to obtain "Piggyback Purchases" that would avoid a four (4) month waiting period. Routine purchase and bid process usually take up to 6 months to obtain a sweeper. A purchase from HGACBuy will allow us to take immediate possession of the sweeper quoted because they have a sweeper that and almost immediately move ahead to improve services.

Stakeholders

- Streets/Public Services/City Residents

Options

Option #1 – Approve Purchase of Street Sweeper and Budget Amendment

(RECOMMENDED)

- Pros: It would allow the City to improve services in a minimum time period.
- Cons: It would take money from the fund balance.

Option #2 – Deny Purchase of Street Sweeper and Budget Amendment.

- Pros: Money would not have to be taken from the fund balance.
- Cons: Street sweeping services would continue to be degraded due to lack of sweeper availability.

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 Stormwater Fund budget is hereby enacted:

STORMWATER FUND

REVENUES	BUDGET	CHANGE	TOTAL
APPROPRIATED FUND BALANCE	615,702	172,475	788,177
TOTAL ADJUSTMENTS		172,475	
TOTAL PROJECT REVENUES	2,861,554	172,475	3,034,029

EXPENDITURES	BUDGET	CHANGE	TOTAL
DRAINAGE EXPENDITURES	1,863,929	172,475	2,036,404
TOTAL ADJUSTMENTS		172,475	
TOTAL FUND EXPENDITURES	2,861,554	172,475	3,034,029

The purpose of this budget amendment is to appropriate fund balance to fund the purchase of a new street sweeper including all taxes, registration, fuel and maintenance for the remainder of the fiscal year.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 4th day of January 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Consent
Agenda
Item:
Date: 1/4/2011

11

Subject: Jacksonville-Onslow Volunteer Center Transfer
Department: Community Development
Presented by: Lillie Gray, Community Development Administrator
Presentation: No

Issue Statement

Due to the retirement of Sandra Wyrick as the Executive Director of Onslow Community Outreach (formerly Onslow Community Ministries), the organization has elected to discontinue the operation of the Jacksonville-Onslow Volunteer Center, and initiated talks with United Way of Onslow County to continue the work of the Center.

The City created the Center in 1999 and asked the County to join in the project. Recently, the Council authorized \$5,000 for Onslow Community Outreach as support for FY11 to operate this project. Staff has confidence that the United Way of Onslow County will operate the Center effectively. We have been made aware of plans to expand the Volunteer Center offerings and to engage in a marketing campaign.

Authorization is sought to transfer the funds approved for Onslow Community Outreach for the operation of the Jacksonville-Onslow Volunteer Center to United Way of Onslow County.

Financial Impact

Funding exists for the operation and will be allocated to United Way of Onslow County rather than to Onslow Community Outreach.

Action Needed

Consider naming United Way as the recipient of funds for the Jacksonville-Onslow Volunteer Center.

Recommendation

Staff recommends that Council move to approve the United Way as the recipient of funds to support the Jacksonville-Onslow Volunteer Center.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

**Consent
Agenda
Item:**

11

Jacksonville-Onslow Volunteer Center Transfer Reallocation of City Funds for the operation of the Center

Introduction

The City of Jacksonville created the Jacksonville-Onslow Volunteer Center in 1999 after the Governor requested each county have a volunteer center. The City invited the County to participate in funding, and with a grant from the Pepsi Foundation, started the Center with an AmeriCorps member.

Initially the Center was to be housed at the Jacksonville City Hall but Onslow Community Ministries (now Onslow Community Outreach) agreed to operate the Center and has done so since 1999.

With the retirement of Sandy Wyrick, who had operated as the Center's director before she became the Executive Director, Onslow Community Outreach has evaluated the ability of the operation to handle programs. At the same time, United Way of Onslow County initiated talks about expanding public engagement activities.

The two nonprofits have come to a mutual agreement about the transfer of the operation. In that the City provides money specifically designated for the operation of the Volunteer Center, staff desires to transfer funds that were to be given to Onslow Community Outreach for the operation of the Center to the United Way of Onslow County.

Onslow Community Outreach has formally requested they be released from the contract previously given as a result of the Council's FY11 allocation for the operation of the Center, and United Way of Onslow County has asked that they be given a contract to assume the operation of the Center.

Staff has worked with United Way of Onslow County about the transfer, operation of the Center as it was intended and helped to provide background as well as specifics. Additionally, the two nonprofits have worked to transfer memberships, affiliations, phone lines and other items.

As a note, the City created the 938-HELP line that is used for the operation of the Center and has taken steps to retain the ownership of that line to ensure for the public that the line is preserved for the future.

Procedural History

- September 21, 2010 – Council awarded grants for the Public-Private Partnerships for the current budget year, allocating \$5,000 to Onslow Community Outreach for the operation of the Jacksonville-Onslow Volunteer Center.

Stakeholders

- Citizens of Jacksonville

Options

- Approve the transfer: **RECOMMENDED**
Staff is confident that United Way of Onslow County will be able to operate the Center in a competent manner.
- Deny the transfer:
 - This action would leave the Center without a home and the City could help find other options for the operation of the Center.
- Defer Consideration:
 - Should Council desire additional information related to this request, defer the request and provide direction to staff on the specific information Council would like to receive.



Request for City Council Action

**Consent
Agenda
Item:** **12**
Date: 1/4/2011

Subject: Recreation and Parks - Fee Schedule Amendment

Department: Recreation and Parks

Presented by: Tim Chesnutt, Recreation and Parks Director

Presentation: No

Issue Statement

On June 22, 2010, City Council approved the FY11 budget which included a fee schedule listing the Recreation and Parks Department's proposed fees for its programs and facilities.

Page three (3) of the Recreation and Parks Department's fee schedule was inadvertently not included in the proposed schedule adopted by Council.

As such, staff is presenting page three (3) of the fee schedule for adoption and inclusion with the adopted FY11 fee schedule.

Financial Impact

None

Action Needed

Consider amending the FY2011 Fee Schedule to include the missing page containing Recreation and Parks Department fees.

Recommendation

Staff recommends that Council move to approve the Fee Schedule Amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Fee Schedule Amendment (Missing Recreation and Parks Fee Schedule Page)



Staff Report

Fee Schedule Amendment

Introduction

On June 22, 2010, City Council approved the FY11 budget which included a fee schedule listing the Recreation and Parks Department's proposed fees for its programs and facilities.

Page three (3) of the fee schedule was inadvertently not included in the fee schedule presented and adopted by Council. As such, staff is presenting page three (3) of the fee schedule for adoption and inclusion with the adopted FY11 Fee Schedule.

Procedural History

Each year, as part of the budget process, City Council adopts a fee schedule which outlines the fees that citizens will be required to pay for products or services provided by the City. The adopted fee schedule takes effect on July 1, the start of the fiscal year.

Stakeholders

- City Residents
- Non-Residents

Options

- A.** Adopt the fee schedule amendment as presented. **RECOMMENDED**
 - This will enable the Recreation and Parks Department to charge fees for services as proposed in the FY 2011 Budget.
- B.** Do not adopt the fee schedule amendment.
 - Failure to adopt the amendment will prevent the Department from charging any fees listed on page three (3) of the document.

FEE SCHEDULE AMENDMENT

This amendment adds the fees set out below to the City of Jacksonville Fee Schedule. This page was inadvertently left out of the original Fee Schedule presented to Council with the final Budget Adoption.

RECREATION AND PARKS DEPARTMENT FEE SCHEDULE (PAGE 3)

	Facility(ies)	Hourly Increment	Fee FY11
Commercial Event(s)	Jack Amyette		
	Gymnasium	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
	Room, Activities Center	2 hours	\$100
		4 hours	\$200
		8 hours	\$350
	Entire Building	2 hours	\$200
		4 hours	\$400
		8 hours	\$700
	Jacksonville Commons Recreation Center		
	Gymnasium	2 hours	\$250
		4 hours	\$500
		8 hours	\$875
	Meeting Rooms	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
	Entire Building	2 hours	\$300
		4 hours	\$600
		8 hours	\$1,050
	Jacksonville Commons Senior Center		
	Community Room	2 hours	\$100
		4 hours	\$200
		8 hours	\$350
	Choate Room	2 hours	\$200
		4 hours	\$400
		8 hours	\$700
	Entire Building	2 hours	\$250
		4 hours	\$500

Attachment

A

		8 hours	\$875
	Kerr Street/Northwoods Recreation Centers		
	Community Room	2 hours	\$120
		4 hours	\$240
		8 hours	\$420



Request for City Council Action

Agenda Item:	13
Date:	1/4/2011

Subject: Appointment of City Representative to the Onslow Water and Sewer Authority (ONWASA)

Department: City Clerks Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

There are two positions reserved on the Onslow Water and Sewer Authority (ONWASA) Board of Directors for members of the Jacksonville City Council. The ONWASA Bylaws provides for appointments for three year staggered terms and any member may be reappointed for subsequent terms. On October 21, 2008, Council adopted Ordinance 2008-45 which governs the City's ONWASA appointment process. Ordinance 2008-45 provides for Council appointments to the ONWASA Board of Directors to be re-appointed annually by the City Council at the second regular Council meeting in July. At such time, an appointee may be re-appointed or replaced by Council.

On July 20, 2010, Councilman Jerome Willingham was re-appointed by Council to an existing three year term expiring on July 31, 2012. Councilman Willingham announced his resignation from his appointed position on December 16, 2010.

On December 17, 2010, Mayor Phillips advised Council of the resignation and asked that any member who was interested in this appointment to please contact the City Clerk's office.

Mayor Pro-Tem Michael Lazzara responded to express his interest in the appointment.

Financial Impact

None

Action Needed

Seek nominations for a Member of Council to serve on the ONWASA Board of Directors.

Close Nominations / Vote on Appointment

Recommendation

Appoint one (1) member to an existing three year term expiring July 31, 2012.

Approved: ☒ City Manager ☐ City Attorney

Attachments: None